

### THIRD READINGS SUMMARY SHEET

ZONING CASE NUMBER: C14-2007-0084 - Elm Terrace

REQUEST:

Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3215 Exposition Boulevard (Taylor Slough North Watershed) from unzoned and family residence (SF-3) district zoning to townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning with conditions. Second reading approved on February 28, 2008. Vote: 7-0. Applicant: Austin Elm Terrace, LP (Steve D. Buerlein). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Jorge E. Rousselin, 974-2975.

DEPARTMENT COMMENTS:

The subject rezoning area consists of a 2.182 acre site fronting Exposition Boulevard which was auctioned by the State. There is no designated zoning on the property. The applicant proposes to zone the property MF-1 to implement zoning and allow for development of the property for townhomes and a small parking structure. Access to the property is proposed off Exposition. The site fronts single family residential, a church, and abuts the Austin State School.

OWNER/APPLICANT: Austin Elm Terrace, LP (Steve D. Buerlein)

AGENT: Alice Glasco Consulting (Alice Glasco)

DATE OF FIRST READING: November 29, 2007

CITY COUNCIL HEARING DATE: February 28, 2008

CITY COUNCIL ACTION:

February 28, 2008:

The motion to approve the second reading of the ordinance for townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning with conditions was made by Mayor Pro Tem Dunkerley and seconded by Council Member Cole. The conditions were as follows: limit units to 20, with a CO limiting the structures on Exposition Boulevard to two stories, onsite water qualities and detention.

Council Member Kim offered a friendly amendment to prohibit a fence along Exposition Boulevard and limiting construction to two stories or 32 feet for the first 75 feet of the property from the property line along Exposition Boulevard. The Restrictive Covenant conditions includes units facing Exposition Boulevard will have doors oriented toward Exposition Boulevard; requirement for 25 feet vegetative buffer along the Exposition frontage along the property line on Exposition; and require sidewalk articulation as per the McMansion ordinance for the façade of any building on the property. Mayor Pro Tem Dunkerley and Council Member Cole accepted all of the friendly amendments except the vegetative buffer and 75 feet setback. The substitute motion to include a setback of 75 feet passed on Council Member Kim's motion on a 6-1 vote. Mayor Pro Tem Dunkerley voted nay. The amended main motion approving the second reading of the ordinance was approved on Mayor Pro Tem Dunkerley's motion, Council Member Cole's second on a 7-0 vote. Staff was directed to include on third reading the prohibition of condominium use on Exposition frontage.

ASSIGNED STAFF: Jorge E. Rousselin , e-mail: jorge.rousselin@ci.austin.tx.us

**ZONING REVIEW SHEET****CASE:** C14-2007-0084**P.C. DATE:** July 24, 2007  
August 28, 2007**ADDRESS:** 3215 Exposition Boulevard**OWNER:** Austin Elm terrace, LP  
(Steve D. Beuerlein)**AGENT:** Alice Glasco Consulting (Alice Glasco)**ZONING FROM:** UNZ (Unzoned)**TO:** MF-1 (Multifamily residence – limited density)**AREA:** 2.182 Acres**SUMMARY PLANNING COMMISSION RECOMMENDATION:***August 28, 2007:****APPROVED MF-1-CO DISTRICT ZONING WITH CONDITIONAL OVERLAY FOR A  
MAXIMUM NUMBER OF 27 UNITS.******[J.REDDY, M.DEALEY 2<sup>ND</sup>] (6-2) P.HUI, T.ATKINS – NAY*****SUMMARY STAFF RECOMMENDATION:**

Staff offers an alternate recommendation of SF-6. The Staff recommendation is based on the following considerations:

- 1.) The recommended zoning classification is compatible with existing residential uses along Exposition boulevard;
- 2.) The recommended zoning classification will allow for a transition of land uses from MoPac Expressway to the established residential neighborhood; and
- 3.) The recommended zoning classification will encourage a diversification of residential land uses in the area while allowing the proposed land use requested.

**DEPARTMENT COMMENTS:**

The subject rezoning area consists of a 2.182 acre site fronting Exposition Boulevard which was auctioned by the State. There is no designated zoning on the property. The applicant proposes to zone the property MF-1 to implement zoning and allow for development of the property for townhomes and a small parking structure. Access to the property is proposed off Exposition. The site fronts single family residential, a church, and abuts the Austin State School.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	UNZ	Austin State School
<i>North</i>	UNZ / SF-3	Austin State School
<i>South</i>	UNZ	Austin State School
<i>East</i>	UNZ	Austin State School
<i>West</i>	SF-3	Church / Single-family residences

**NEIGHBORHOOD PLAN:** Central West Austin**TIA:** N/A

**WATERSHED:** Taylor Slough South**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** N/A**HILL COUNTRY ROADWAY:** N/A**NEIGHBORHOOD ORGANIZATIONS:**

88--West Austin Neighborhood Group  
 511--Austin Neighborhoods Council  
 742--Austin Independent School District  
 786--Home Builders Association of Greater Austin  
 384--Save Barton Creek Assn.

**SCHOOLS:**

Austin Independent School District

- Casis Elementary School
- O. Henry Middle School
- Austin High School

**RELATED CASES:** N/A**CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-96-0071	SF-3 to SF-5-CO	07/30/96: Recommendation of SF-6-CO subject to a 10 foot minimum building setback from all adjoining properties. (5-0).	10/31/96: Granted SF-5-CO CO: <ul style="list-style-type: none"> <li>• No structure or part of a structure shall be constructed or maintained within 10 feet of the perimeter of the property.</li> <li>• No structure or part of a structure shall be constructed or maintained within the area described in the metes &amp; bounds description attached.</li> <li>• The number of dwelling units on the property shall not exceed six dwelling units within 3 buildings.</li> </ul> (7-0)
C14-96-0071	SF-3 to SF-4A	01/31/06: PP TO 4-18-06 BY CONSENT (NEIGH); (8-0)  04/18/06:P PP TO 6-6-06 (AP); (9-0)  06/06/06: Withdrawn by applicant	N/A

**ABUTTING STREETS:**

NAME	ROW	PAVEMENT	CLASSIFICATION	BICYCLE PLAN	CAPITAL METRO	SIDEWALKS
Exposition Boulevard	Varies	Varies	Arterial	Yes	Yes	Yes

**CITY COUNCIL DATE:****September 27, 2007****October 18, 2007****November 29, 2007****January 31, 2008****February 14, 2008****February 28, 2008****ACTION:****Postponed to October 18, 2007 at the request of the Neighborhood****This item was postponed to November 29, 2007 with direction to the neighborhood and developer to select a mutually agreed upon facilitator for a meeting designed to work out the differences between the two.****The public hearing was closed and the first reading of the ordinance for townhouse and condominium residence (SF-6) district zoning with a limit of 20 units and direction to staff to obtain a site and architectural analysis prior to bringing the item back was approved with the following conditions on Mayor Pro Tem Dunkerley's motion, Council Member Cole's second on a 7-0 vote. The conditions include: 1) No walls; 2) Sidewalks must be up to Urban Sidewalk Standards with street trees; and 3) Units fronting on to Exposition must have front doors oriented to Exposition Boulevard.****Postponed to February 14, 2008 at the request of the neighborhood and applicant****This item was postponed to February 28, 2008 at the Council's request (consent). 5-0 (Kim-absent; McCracken off the dais)****The motion to approve the second reading of the ordinance for townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning with conditions was made by Mayor Pro Tem Dunkerley and seconded by Council Member Cole. The conditions were as follows: limit units to 20, with a**

**CO limiting the structures on Exposition Boulevard to two stories, onsite water qualities and detention.**

**Council Member Kim offered a friendly amendment to prohibit a fence along Exposition Boulevard and limiting construction to two stories or 32 feet for the first 75 feet of the property from the property line along Exposition Boulevard. The Restrictive Covenant conditions includes units facing Exposition Boulevard will have doors oriented toward Exposition Boulevard; requirement for 25 feet vegetative buffer along the Exposition frontage along the property line on Exposition; and require sidewalk articulation as per the McMansion ordinance for the façade of any building on the property. Mayor Pro Tem Dunkerley and Council Member Cole accepted all of the friendly amendments except the vegetative buffer and 75 feet setback. The substitute motion to include a setback of 75 feet passed on Council Member Kim's motion on a 6-1 vote. Mayor Pro Tem Dunkerley voted nay. The amended main motion approving the second reading of the ordinance was approved on Mayor Pro Tem Dunkerley's motion, Council Member Cole's second on a 7-0 vote. Staff was directed to include on third reading the prohibition of condominium use on Exposition frontage.**

**March 27, 2008**

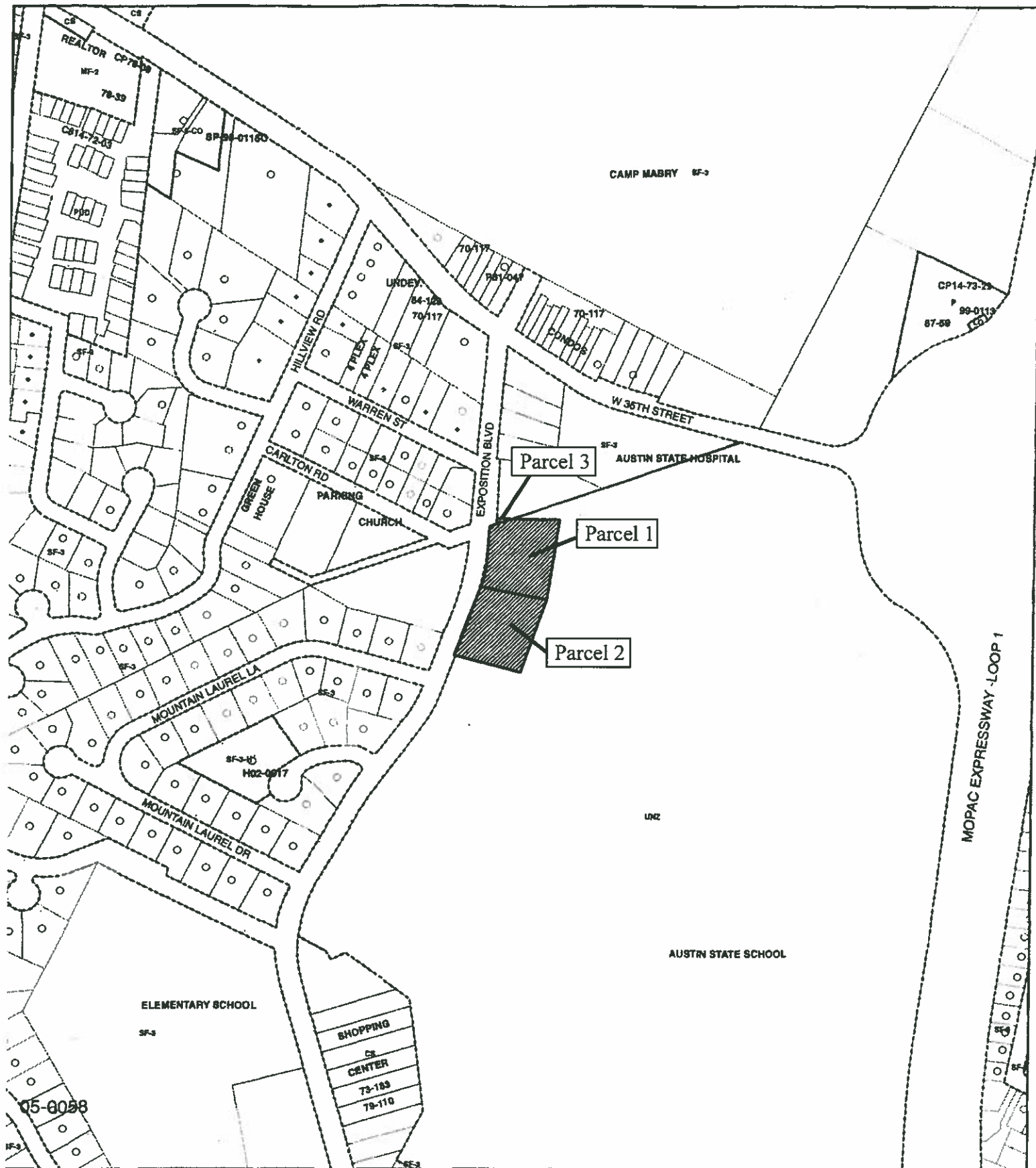
**ORDINANCE READINGS:** 1<sup>st</sup> 2<sup>nd</sup> 3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Jorge E. Rousselin, NPZD

**PHONE:** 974-2975

**E-MAIL:** [jorge.rousselin@ci.austin.tx.us](mailto:jorge.rousselin@ci.austin.tx.us)



 Subject Tract

 Zoning Boundary

 Pending Cases

## ZONING EXHIBIT D

CASE#: C14-2007-0084

ADDRESS: 3215 EXPOSITION BLVD

SUBJECT AREA: 2.182 ACRES

GRID: H25-26

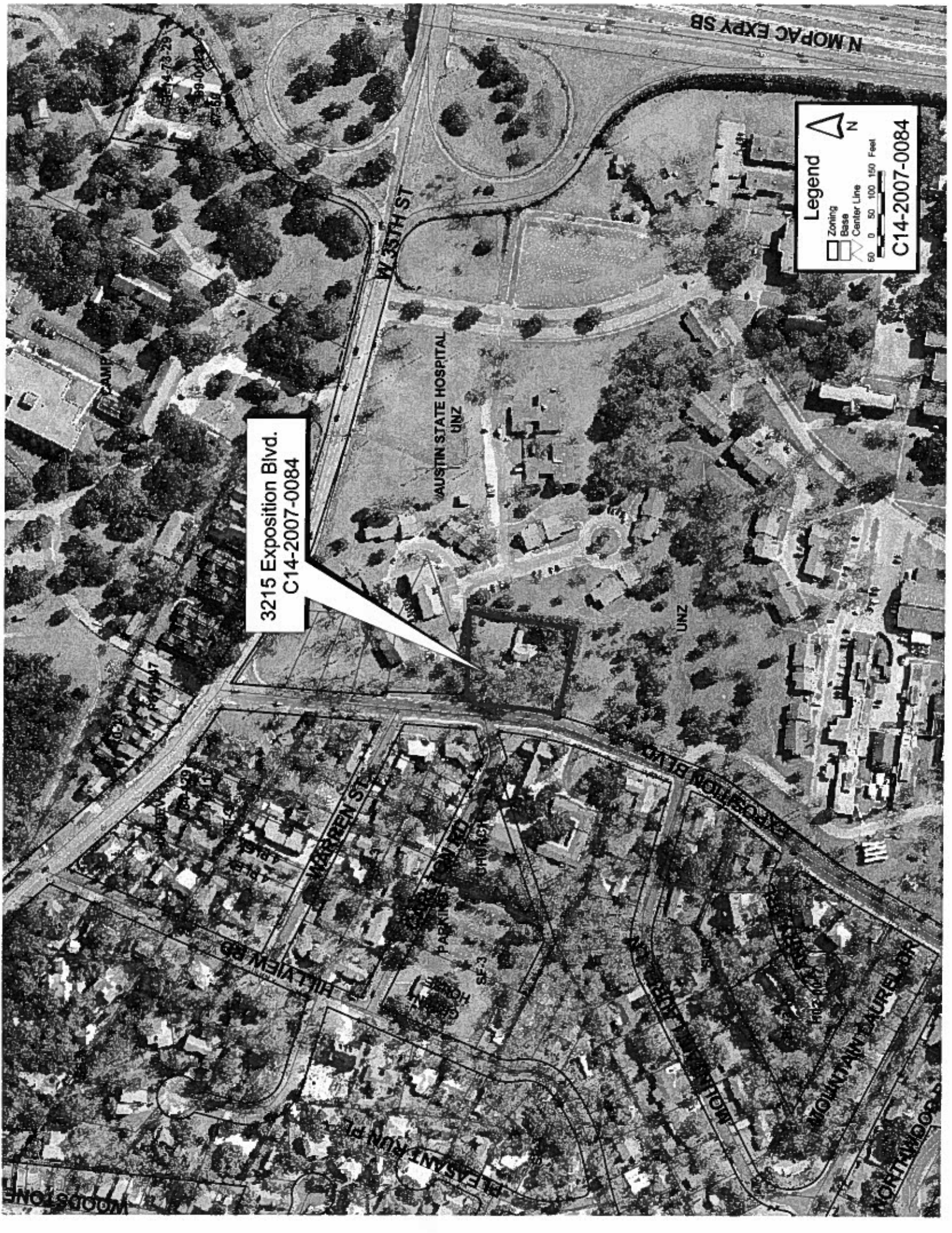
1" = 400'

CASE MGR: J.ROUSSELIN

This map has been produced by G.I.S. Services for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.







3215 Exposition Blvd.  
C14-2007-0084

**Legend**

 Zoning  
 Base  
 Center Line

 N

 0 50 100 150 Feet

**C14-2007-0084**

## STAFF RECOMMENDATION

Staff offers an alternate recommendation of SF-6. The Staff recommendation is based on the following considerations:

- 1.) The recommended zoning classification is compatible with existing residential uses along Exposition boulevard;
- 2.) The recommended zoning classification will allow for a transition of land uses from MoPac Expressway to the established residential neighborhood; and
- 3.) The recommended zoning classification will encourage a diversification of residential land uses in the area while allowing the proposed land use requested.

## BASIS FOR RECOMMENDATION

- 1.) *The recommended zoning should be consistent with the purpose statement of the district sought.*

### *§ 25-2-61 TOWNHOUSE AND CONDOMINIUM RESIDENCE (SF-6) DISTRICT DESIGNATION.*

*Townhouse and condominium residence (SF-6) district is the designation for a moderate density single family, duplex, two-family, townhouse, and condominium use that is not subject to the spacing and location requirements for townhouse and condominium use in an SF-5 district. An SF-6 district designation may be applied to a use in an area with large lots that have access to streets other than minor residential streets. An SF-6 district may be used as a transition between a single family and multifamily residential use.*

The recommended zoning classification will allow for residential land use diversification while encouraging a transition of land uses to the established neighborhood.

- 2.) *The proposed zoning should promote consistency, and orderly planning.*

Other properties in the immediate vicinity are zoned for residential development at various densities. Existing properties west of the site include single-family residential and a church.

## EXISTING CONDITIONS

### Site Characteristics

The subject rezoning area consists of a 2.182 acre site fronting Exposition Boulevard which was auctioned by the State. There is no designated zoning on the property. Access to the property is proposed off Exposition. The site fronts single family residential, a church, and abuts the Austin State School. Impervious cover shall be limited by watershed regulations.

### Transportation

1. No additional right-of-way is needed at this time.
2. A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]



### **Environmental and Impervious Cover**

1. The site is located over the Edward's Aquifer Recharge Zone. The site is in the Taylor Slough South Creek Watershed of the Colorado River Basin, and is classified as a Water Supply Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under the current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i><b>Development Classification</b></i>	<i><b>% of Net Site Area</b></i>	<i><b>% NSA with Transfers</b></i>
One or Two Family Residential	30%	40%
Multifamily Residential	40%	55%
Commercial	40%	55%

2. According to flood plain maps, there is no flood plain in, or within close proximity of, the project location.
3. The site is not located within the endangered species survey area.
4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
5. At this time, site specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
6. Under current watershed regulations, development or redevelopment on this site will be subject to providing structural sedimentation and filtration basins with increased capture volume and 2 year detention.
7. At this time, no information has been provided as to whether this property has any preexisting approvals which would preempt current water quality or Code requirements.

### **Water and Wastewater**

1. The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extensions, system upgrades, utility relocation, and abandonment. The water and wastewater plan must be in accordance with the City of Austin utility design criteria. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

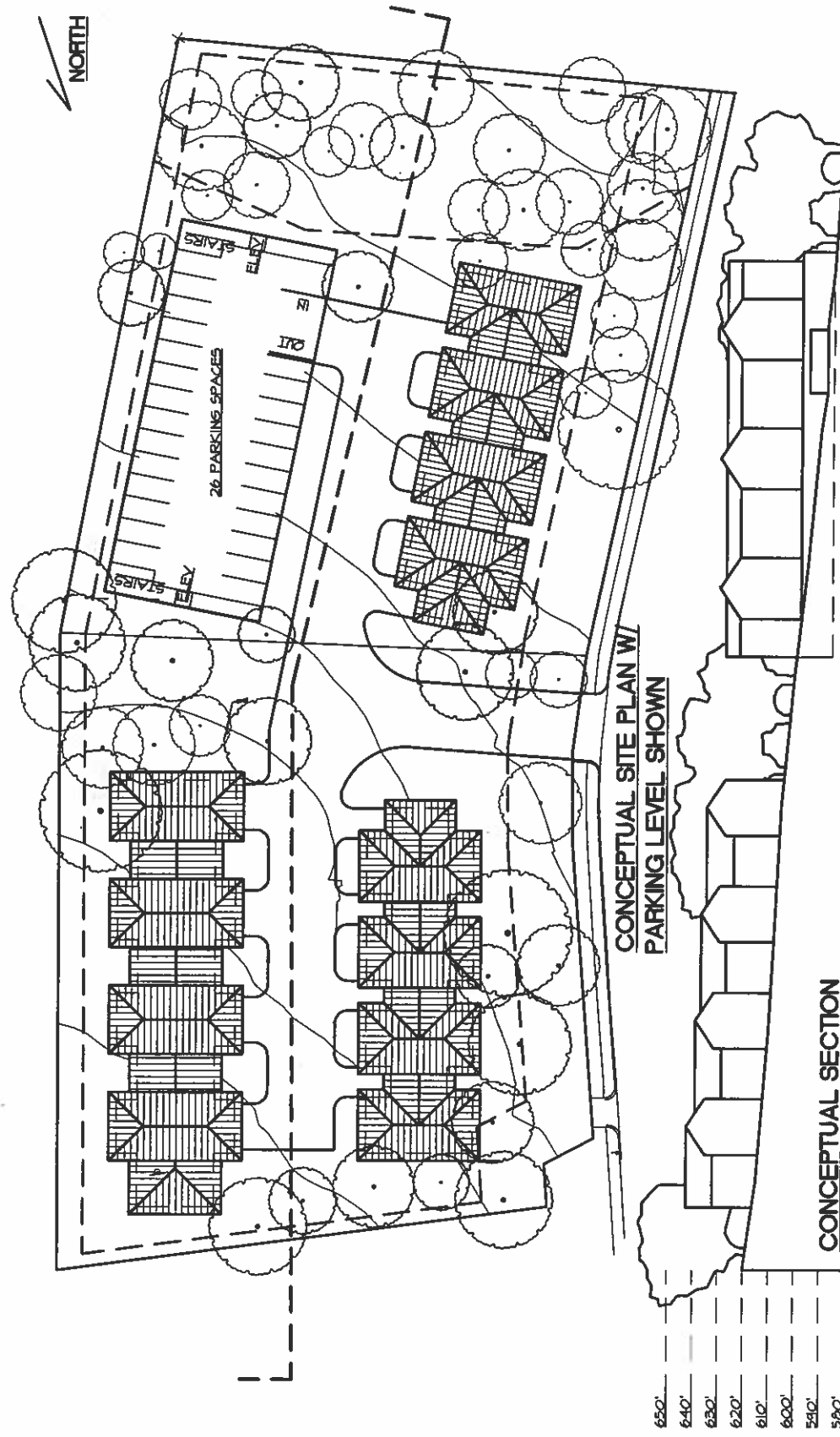
### **Site Plan and Compatibility Standards**

1. Site plans will be required for any new development other than single-family or duplex residential.

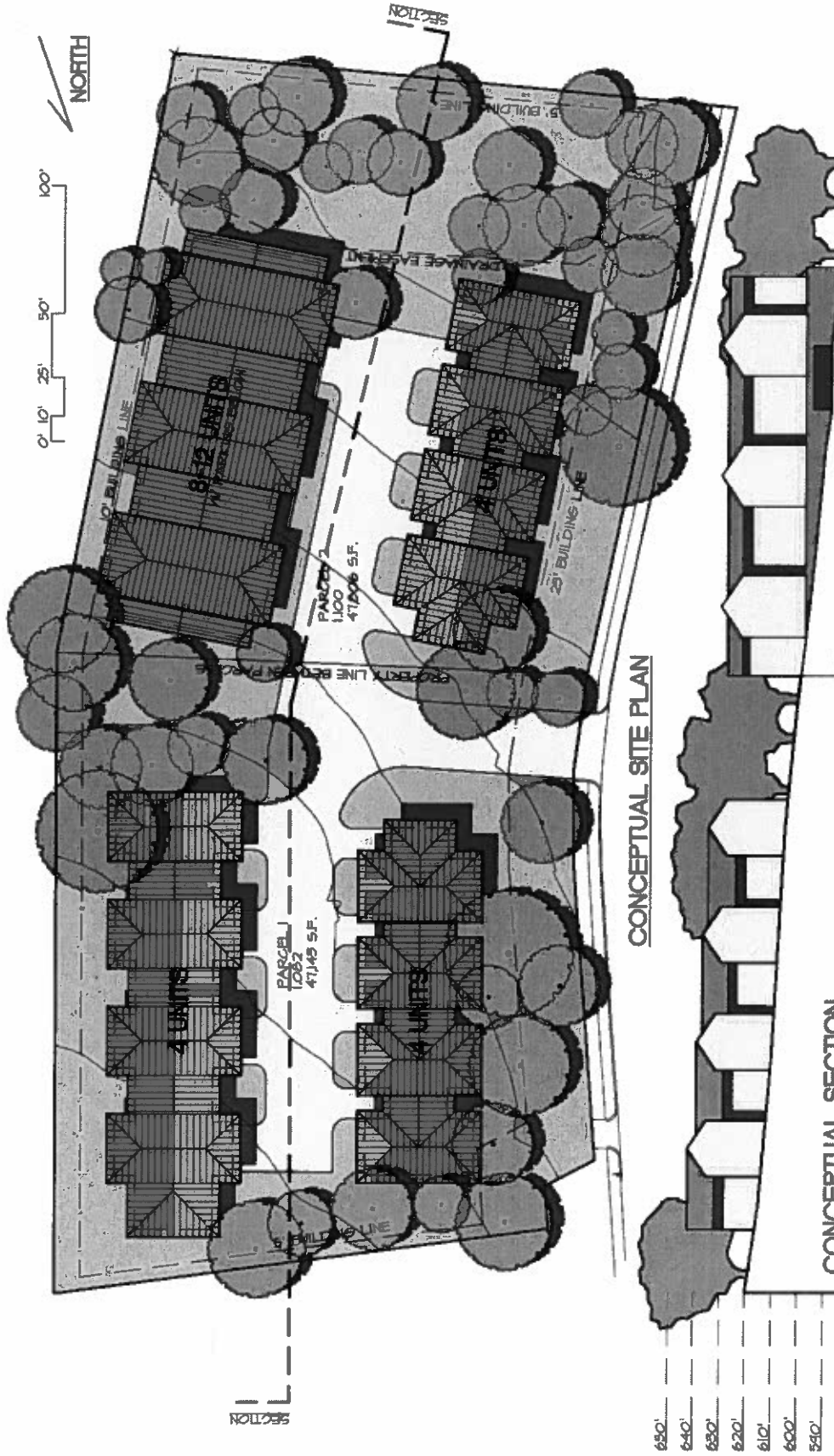
2. Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

### **Compatibility Standards**

3. The site is subject to compatibility standards. Along the south property line that abut single family zoning or use, the following standards apply:
  - No structure may be built within 25 feet of the property line.
  - No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
  - No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
  - for a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
  - No parking or driveways are allowed within 25 feet of the property line.
  - In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
4. Additional design regulations will be enforced at the time a site plan is submitted.
  - An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.



<b>3215 EXPOSITION</b>	
PARCEL 1	47,143 S.F.
PARCEL 2	47,206 S.F.
TOTAL	94,349 S.F.
*TOTAL IMPERVIOUS COVER ALLOWED PER WATERSHED (TAYLOR SLOUGH)	
	40%
<b>ZONING REQUEST FOR MF-1</b>	
ALLOWABLE HEIGHT	40 FT
MAXIMUM BUILDING COVERAGE	45%
MAXIMUM IMPERVIOUS COVER	55%
TOTAL IMPERVIOUS COVER*	40%
MAXIMUM UNITS PER ACRE	17
THE MAXIMUM # OF UNITS (WITH 2 BEDROOMS OR MORE) IS CAPPED AT 27 PER SECTION 25-2-560 OF THE LDC	
<b>PROPOSED LAND PLAN</b>	
12-15 TOWNHOUSES	
8-12 FLATS	
BUILDING COVERAGE	
ADDITIONAL IMP. COVER (DRIVEWAYS/SIDEWALKS PATIOS/ DRAINAGE)	
2 STORIES	
2 STORIES	
W/PARKING BELOW	
24,342 S.F.	
26% OF SITE	
13,420 S.F.	
13% OF SITE	
34% TOTAL IMP COVER	



CONCEPTUAL SITE PLAN

ELM TERRACE 3215 EXPOSITION

1"=40'

3215 EXPOSITION  
PARCEL 1 47,143 S.F.  
PARCEL 2 47,206 S.F.  
TOTAL 94,349 S.F.  
TOTAL INTERVIEWS COVER ALLOWED PER WATERSHED (TAYLOR SLOUGH) 40%

ZONING REQUEST FOR ME-1  
ALLOWABLE HEIGHT 40 FT  
MAXIMUM BUILDING COVERAGE 45%  
MAXIMUM INTERVIEWS COVER 55%  
TOTAL INTERVIEWS COVER\* 40%  
MAXIMUM UNITS PER ACRE 17  
THE MAXIMUM # OF UNITS (WITH 2 BEDROOMS OR MORE) IS CAPPED AT 27 PER SECTION 25-2-360 OF THE LDC

PROPOSED LAND PLAN  
12-15 TOWNHOUSES  
8-12 FLATS  
BUILDING COVERAGE  
ADDITIONAL IMP. COVER (DRIVEWAYS/SIDEWALKS PATIOS/ DRAINAGE)

2 STORIES  
2 STORIES  
PARKING BELOW  
24,542 S.F.  
26% OF SITE  
15,420 S.F.  
19% OF SITE  
94% TOTAL IMP COVER

CONCEPTUAL SECTION

650'  
640'  
630'  
620'  
610'  
600'  
590'  
580'

## **Rousselin, Jorge**

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**From:** Blake Tollett [REDACTED]  
**Sent:** Saturday, July 21, 2007 11:11 AM  
**To:** Rousselin, Jorge  
**Subject:** C14-2007-0084; 3215 Exposition Blvd.

20 July 2007

Jorge Rousselin  
Neighborhood Planning & Zoning Department City of Austin PO Box 973 Austin, Texas 78767-0973

RE: C14-2007-0084; 3215 Exposition Boulevard

Dear Mr. Rousselin:

After meeting with the applicant of this case, Steve Beuerlein, in open meeting, and after discussion, the Executive Committee (ExComm) of West Austin Neighborhood Group (WANG) has voted electronically to oppose the above referenced rezoning request. The basis of our opposition focuses on the "spot zoning" nature of the request as well as the fact that an MF-1 zoning would then set a precedent.

For many years, the neighbors and neighborhood association have been successful in retaining an SF-3 zoning category, other than designated commercial retail/office centers, along both sides of Exposition Boulevard from Enfield Road to 35th Street. In the last several years, there have been three major church campus expansions in this stretch of Exposition Boulevard, and through cooperative efforts between neighbors and churches, the expansions have been accomplished under a zoning of SF-3. The only other non-SF-3 zoning cited by the Staff report as precedence is at 3003 West 35th Street. WANG was opposed to the upzoning request in that 1996 case, and the valid petition by the neighbors was only broken during the hearing before City Council.

The lots applicant purchased for in excess of \$2.65 million and is now asking to be rezoned MF-1 are potentially the first of the Austin State School property the State will sell off as surplus land. Just looking at the map, there is easily as much similarly situated property just to the south. It is the gradual, and maybe not so gradual, addition of the State School property into the neighborhood that has us truly nervous. Bryker Woods, Pemberton Heights and Tarrytown are just beginning the Central West Austin Neighborhood Plan, and that planning process would be the natural place for the stakeholders to come together with a vision as to what happens with the State School property. We are not allowed that luxury. Unfortunately the State has shown no interest in becoming a part of the neighborhood planning process, and the neighborhood is faced with this rezoning request now.

At the minimum, what happens here will set the precedent for what happens in the future along that portion of Exposition. The neighborhood knows that if the State School property is developed out there will be densification of the tract. We are asking the Planning Commission to recommend to Council a zoning category of SF-3. That is consistent to what is currently along both sides of Exposition and will begin to buffer the neighborhoods on all sides of the State School property. Let's put the denser zoning deeper into the tract and more towards Mo-Pac. We are asking the Planning Commission to make the applicant justify this intense of a zoning category across the street from an SF-3 neighborhood. The new neighbors are coming. Let us integrate them correctly.

A representative of the neighborhood association will attend the Planning Commission meeting, and please feel free to contact us.

Sincerely;

Blake Tollett, West Austin Neighborhood Group  
PO Box 5722  
Austin 78763-5722

## PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

[www.ci.austin.tx.us/development](http://www.ci.austin.tx.us/development)

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

**Case Number:** C14-2007-0084

**Contact:** Jorge Rousselin, (512) 974-2975

**Public Hearing:**

July 24, 2007 Planning Commission

<input type="checkbox"/> I am in favor
<input type="checkbox"/> I object

William Nemi

Your Name (please print)

2703 Warren Street 78703

Your address(es) affected by this application

William P. Nemi 7/20/07

Signature

Date

Comments: I would be willing to support the application only if there were a way to ensure that the total number of units on the property were limited to the maximum 24 units presented in the conceptual plan provided to the neighbors by the owners. Without a legal mechanism ensuring this restriction, I am unwilling to support the request.

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Jorge Rousselin

P. O. Box 1088

Austin, TX 78767-8810

20 JULY 2007

**RECEIVED**

JUL 24 2007

JORGE ROUSSELIN  
NEIGHBORHOOD PLANNING & ZONING DEPARTMENT  
CITY OF AUSTIN  
PO Box 973  
AUSTIN, TEXAS 78767-8810

*Neighborhood Planning & Zoning*

RE: C14-2007-0084; 3215 EXPOSITION BOULEVARD

DEAR MR. ROUSSELIN:

AFTER MEETING WITH THE APPLICANT OF THIS CASE, STEVE BEUERLEIN, IN OPEN MEETING, AND AFTER DISCUSSION, THE EXECUTIVE COMMITTEE (EXCOMM) OF WEST AUSTIN NEIGHBORHOOD GROUP (WANG) HAS VOTED ELECTRONICALLY TO OPPOSE THE ABOVE REFERENCED REZONING REQUEST. THE BASIS OF OUR OPPOSITION FOCUSES ON THE "SPOT ZONING" NATURE OF THE REQUEST AS WELL AS THE FACT THAT AN MF-1 ZONING WOULD THEN SET A PRECEDENT.

FOR MANY YEARS, THE NEIGHBORS AND NEIGHBORHOOD ASSOCIATION HAVE BEEN SUCCESSFUL IN RETAINING AN SF-3 ZONING CATEGORY, OTHER THAN DESIGNATED COMMERCIAL RETAIL/OFFICE CENTERS, ALONG BOTH SIDES OF EXPOSITION BOULEVARD FROM ENFIELD ROAD TO 35TH STREET. IN THE LAST SEVERAL YEARS, THERE HAVE BEEN THREE MAJOR CHURCH CAMPUS EXPANSIONS IN THIS STRETCH OF EXPOSITION BOULEVARD, AND THROUGH COOPERATIVE EFFORTS BETWEEN NEIGHBORS AND CHURCHES, THE EXPANSIONS HAVE BEEN ACCOMPLISHED UNDER A ZONING OF SF-3. THE ONLY OTHER NON-SF-3 ZONING CITED BY THE STAFF REPORT AS PRECEDENCE IS AT 3003 WEST 35TH STREET. WANG WAS OPPOSED TO THE UPZONING REQUEST IN THAT 1996 CASE, AND THE VALID PETITION BY THE NEIGHBORS WAS ONLY BROKEN DURING THE HEARING BEFORE CITY COUNCIL.

THE LOTS APPLICANT PURCHASED FOR IN EXCESS OF \$2.65 MILLION AND IS NOW ASKING TO BE REZONED MF-1 ARE POTENTIALLY THE FIRST OF THE AUSTIN STATE SCHOOL PROPERTY THE STATE WILL SELL OFF AS SURPLUS LAND. JUST LOOKING AT THE MAP, THERE IS EASILY AS MUCH SIMILARLY SITUATED PROPERTY JUST TO THE SOUTH. IT IS THE GRADUAL, AND MAYBE NOT SO GRADUAL, ADDITION OF THE STATE SCHOOL PROPERTY INTO THE NEIGHBORHOOD THAT HAS US TRULY NERVOUS. BRYKER WOODS, PEMBERTON HEIGHTS AND TARRYTOWN ARE JUST BEGINNING THE CENTRAL WEST AUSTIN NEIGHBORHOOD PLAN, AND THAT PLANNING PROCESS WOULD BE THE NATURAL PLACE FOR THE STAKEHOLDERS TO COME TOGETHER WITH A VISION AS TO WHAT HAPPENS WITH THE STATE SCHOOL PROPERTY. WE ARE NOT ALLOWED THAT LUXURY. UNFORTUNATELY THE STATE HAS SHOWN NO INTEREST IN BECOMING A PART OF THE NEIGHBORHOOD PLANNING PROCESS, AND THE NEIGHBORHOOD IS FACED WITH THIS REZONING REQUEST NOW.

AT THE MINIMUM, WHAT HAPPENS HERE WILL SET THE PRECEDENT FOR WHAT HAPPENS IN THE FUTURE ALONG THAT PORTION OF EXPOSITION. THE NEIGHBORHOOD



KNOWS THAT IF THE STATE SCHOOL PROPERTY IS DEVELOPED OUT THERE WILL BE DENSIFICATION OF THE TRACT. WE ARE ASKING THE PLANNING COMMISSION TO RECOMMEND TO COUNCIL A ZONING CATEGORY OF SF-3. THAT IS CONSISTENT TO WHAT IS CURRENTLY ALONG BOTH SIDES OF EXPOSITION AND WILL BEGIN TO BUFFER THE NEIGHBORHOODS ON ALL SIDES OF THE STATE SCHOOL PROPERTY. LET'S PUT THE DENSER ZONING DEEPER INTO THE TRACT AND MORE TOWARDS MO-PAC. WE ARE ASKING THE PLANNING COMMISSION TO MAKE THE APPLICANT JUSTIFY THIS INTENSE OF A ZONING CATEGORY ACROSS THE STREET FROM AN SF-3 NEIGHBORHOOD. THE NEW NEIGHBORS ARE COMING. LET US INTEGRATE THEM CORRECTLY.

A REPRESENTATIVE OF THE NEIGHBORHOOD ASSOCIATION WILL ATTEND THE PLANNING COMMISSION MEETING, AND PLEASE FEEL FREE TO CONTACT US.

SINCERELY;

A handwritten signature in blue ink, appearing to read "Blake Tollett", with a long horizontal stroke extending to the right.

BLAKE TOLLETT, WEST AUSTIN NEIGHBORHOOD GROUP  
PO BOX 5722  
AUSTIN 78763-5722

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During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

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**Case Number:** C14-2007-0084

**Contact:** Jorge Rousselin, (512) 974-2975

**Public Hearing:**

July 24, 2007 Planning Commission

C. Brooks Schwelke

Your Name (please print)

2702 Carlton Road

Your address(es) affected by this application

C. Brooks Schwelke

Signature

7/23/07

Date

Comments:

<input checked="" type="checkbox"/> I am in favor <input type="checkbox"/> I object
--

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Jorge Rousselin

P. O. Box 1088

Austin, TX 78767-8810

## PUBLIC HEARING INFORMATION

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**Case Number: C14-2007-0084**

**Contact:** Jorge Rousselin, (512) 974-2975

**Public Hearing:**

July 24, 2007 Planning Commission

<input checked="" type="checkbox"/> I am in favor <input type="checkbox"/> I object
--

ALICE GLASCOW

Your Name (please print)

3300 EXPOSITION BLVD

Your address(es) affected by this application

Alice Glasgow

Signature

8/21/07

Date

Comments:

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Jorge Rousselin

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2007-0084

Contact: Jorge Rousselin, (512) 974-2975

Public Hearing:

July 24, 2007 Planning Commission

Herbert Tays

Your Name (please print)

+ 2701 Warren St.

3302 + 3304 Exposition B/V.

Your address(es) affected by this application

Herbert Tays

Signature

8/15/07

Date

☒ I am in favor  
☐ I object

Comments:

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Jorge Rousselin

P. O. Box 1088

Austin, TX 78767-8810

**A. BOONE ALMANZA  
3221 STEVENSON  
AUSTIN, TEXAS 78703**

August 20, 2007

*via Telecopy No. 974-6054*

Jorge Rousselin  
City of Austin  
Neighborhood Planning & Zoning Department  
P.O. Box 1088  
Austin, Texas 78767

Re: Case No. C14-2007-0084 – Public Hearing August 28, 2007  
Austin Elm Terrace, LP

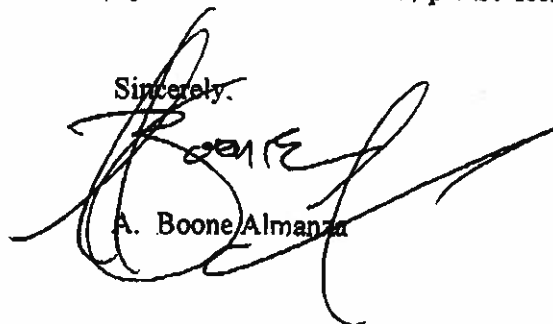
Dear Mr. Rousselin:

Please allow me this opportunity to provide you with my comments regarding the zoning change requested by Austin Elm Terrace, LP for the project at 3215 Exposition Boulevard. I have been a resident of Tarrytown for almost forty years of my life, and therefore, I feel that I have a good insight into the neighborhood as well as to the current makeup of the area and the changes taking place in the area. I do not live within 300 feet of the proposed development, but I am aware of the development as well as the conceptual plan proposed by Austin Elm Terrace, LP. In my view, the MF-1 zoning is entirely appropriate for this location because it minimizes the number of curb cuts along Exposition and creates architecturally appropriate multi-family units. If this property stays single family housing, it will require numerous curb cuts on the east side of Exposition from Mountain Laurel to W. 35<sup>th</sup> Street which is undesirable. Consequently, it is very appropriate for this property to be zoned MF-1 because it decreases the traffic and problems along Exposition and provides appropriate density for the area. Moreover, there are numerous multi-family residences within a stone's throw of the location, in particular, along W. 35<sup>th</sup> Street, and therefore, the project maintains the residential feel of the surrounding area and achieves appropriate density sought by the City of Austin for the area.

Consequently, please consider my comments as in favor of the project and in favor of the proposed zoning change to MF-1.

If you have any questions about my position on this matter, please feel free to contact me.

Sincerely,



A. Boone Almanza

## PUBLIC HEARING INFORMATION

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Case Number: C14-2007-0084

Contact: Jorge Rousselin, (512) 974-2975

Public Hearing: ~~Postponed by WAUG to 8-28-07~~

July 24, 2007 Planning Commission

Michael Cummins

Your Name (please print)

2606 Woodmont Ave / 1803 Exposition / 2511 Woodmont

Your address(es) affected by this application

Michael J. Cummins

Signature

Date

Comments: I understand the property owner

is requesting a MFI zoning with a single curb cut and similar density to the SFB zoning. The maintenance free life style provided by the condominium association will be a great benefit to many people that already live in this town that are looking to downsize a bit. I am all for this zoning. [mcummins@austin.tx.us](mailto:mcummins@austin.tx.us)

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Jorge Rousselin

P. O. Box 1088

Austin, TX 78767-8810

## PUBLIC HEARING INFORMATION

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**Case Number: C14-2007-0084**

**Contact:** Jorge Rousselin, (512) 974-2975

**Public Hearing:**

July 24, 2007 Planning Commission

*DICK KATHGEBER*

Your Name (please print)

*2711 HILLYVIEW GREEN LAN.*

Your address(es) affected by this application

*Dick Kathgeber*

Signature

Date

*Aug 23-07*

Comments:

*We have to recognize that given property values in the area, we are going to have greater density.*

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Jorge Rousselin

P. O. Box 1088

Austin, TX 78767-8810

☒ I am in favor  
☐ I object

Item #4



# **PUBLIC HEARING INFORMATION**

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Case Number: C14-2007-0084

Contact: Jorge Rousselin, (512) 974-2975

Public Hearing: ~~July 24, 2007~~ postponed by WANG to 8-28-07  
 Planning Commission

☒ I am in favor  
☐ I object

Your Name (please print):  
 Scott Kidd

3204 Bonnie

Your address(es) affected by this application

*[Signature]*

Signature

Date

8-21-07

Comments: This seems to offer

a great come addition to the  
 neighborhood.

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Jorge Rousselin

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2107-0084  
 Contact: Jorge Ruusselin, (512) 974-9775  
 Public Hearing: postponed by WANG to 8-28-07  
~~July 24, 2005 Planning Commission~~

☒ I am in favor  
☐ I object

Blake Cervantes  
 Your Name (please print)

3610 Bridle Path

Your address(es) affected by this application

[Signature]

Signature

8/21/07

Date

Comments: The area of discussion  
is in need of renovation.  
The neighborhood will  
benefit from this development.

If you use this form to comment, it may be returned to:  
 City of Austin  
 Neighborhood Planning and Zoning Department  
 Jorge Ruusselin  
 P. O. Box 1088  
 Austin, TX 78767-8810

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Case Number: C14-2007-0084

Contact: Jorge Rousselin, (512) 974-2955

Public Hearing: *postponed by WANG to 8-28-07*

*July 24, 2007* Planning Commission

*Joy HARDEMAN*

Your Name (please print)

*3610 Bridle Path #B 78703*

Your address (street affected by this application)

Signature

Date

*Comments: As a homeowner, I support this project.*

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Jorge Rousselin

P.O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2007-0099  
Contact: Jorge Rousselin, (512) 974-2975  
Public Hearing: Neighborhood Planning & Zoning  
September 27, 2007 City Council

☐ I am in favor  
☐ I object

RANDI HART  
Your Name (please print)

11331 N. LAUREL BLVD., AUSTIN, TX  
Your address(es) affected by this application

RANDI HART 9/26/07  
Signature Date

### Comments:

ALBERTSONS OWNERS DO NOT SUPPORT  
THIS ZONING CHANGE. IT IS NOT THE  
CHANGE WOULD CAUSE DECLINATION  
OF PROPERTY VALUES & THEREFORE  
ENOUGH CUSTOMERS SHOPPING AT THE  
STORE - DOES NOT MERIT CHANGING  
ZONING TO INCREASE  
CIRCULATION.

If you use this form to comment, it may be returned to:

City of Austin  
Neighborhood Planning and Zoning Department  
Jorge Rousselin  
P. O. Box 1088  
Austin, TX 78767-8810

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Case Number: C14-2007-0084

Contact: Jorge Rousselin, (512) 974-2975

Public Hearing: ~~July 24~~ Aug. 28

2007 Planning Commission

☒ I am in favor  
☐ I object

Brian Fuchs

Your Name (please print)

2902 WINDSTAR CIR

Your address(es) affected by this application

8/24/07

Date

Signature

Comments:

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Jorge Rousselin

P. O. Box 1088

Austin, TX 78767-8810

**Rousselin, Jorge**

---

**From:** Brooks Schuelke [REDACTED]  
**Sent:** Wednesday, September 26, 2007 9:18 AM  
**To:** Rousselin, Jorge  
**Cc:** aliceglasco@mindspring.com  
**Subject:** Case No. c14-2007-0084; 3215 Exposition  
**Follow Up Flag:** Follow up  
**Flag Status:** Completed  
**Attachments:** Exposition Project Objection.pdf

Dear Mr. Rousselin:

After extreme consideration, I am filing the attached objection to the above-referenced plan.

The decision to object has not been an easy one for my wife and me. As you probably know, I originally told Ms. Glasco that I would support the plan. However, that agreement was based on a misunderstanding about the size of the project that would potentially be allowed under the zoning change. (And I in no way suggest that I was misled by anyone; I recognize the misunderstanding comes from my own ignorance).

I have two major concerns with the plan. The first is traffic. The intersection at Carlton Road and Exposition is a dangerous one. As you are on Carlton Road attempting to turn onto Exposition, there is a dangerous dip between Carlton and Warren that conceals vehicles coming from the north, and cars traveling on Exposition from the south are concealed by an almost blind corner. It is difficult for me to safely turn, but I am even more terrified thinking about my children making that turn when they start driving in a few years. (And I don't think I'm alone in that concern; over the ten years that we have lived on Carlton, there are more families moving to Carlton and they will have young drivers in the coming years.) These problems would only be exacerbated by the concentrated, high number of vehicles that would accompany twenty-seven units.

I am also concerned about any precedent that is set for the area. If this parcel is zoned MF1 and sets a precedent for other portions of the state school along Exposition to be zoned MF1, my concerns, including my concerns about traffic, would multiply exponentially. If the perimeter of the state school is developed with similar projects from 35<sup>th</sup> street to the Tarrytown shopping center, that portion of Exposition will be deadly.

I also want to make clear that I do not think the property owners should be limited to SF3 zoning. In fact, there are many things that I like about the proposed plan, particularly including their plans to only have one curb cut (which would help reduce my concerns about the traffic). But I think twenty-seven units on that property is too many, and I cannot support the plan until there is a concrete agreement for a reduced number of units in the area.

Thank you for your time and consideration.

C. Brooks Schuelke  
2702 Carlton Road  
Austin, Texas 78703  
(512)302-4970

10/4/2007

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**Case Number:** C14-2007-0084  
**Contact:** Jorge Rousselein, (512) 974-2975  
**Public Hearing:**  
 September 27, 2007 City Council

Brooks Schuelke

Your Name (please print)

☐ I am in favor  
☒ I object

2702 Carlsbad Road, Austin TX 78703

Your address(es) affected by this application

Brooks Schuelke

Signature

9/26/07

Date

Comments: Per my e-mail correspondence to Mr. Rousselein, I am withdrawing my support for the project and objecting.

If you use this form to comment, it may be returned to:

City of Austin  
 Neighborhood Planning and Zoning Department  
 Jorge Rousselein  
 P. O. Box 1088  
 Austin, TX 78767-8810



**Rousselin, Jorge**

---

**From:** Gwen [REDACTED]  
**Sent:** Friday, September 21, 2007 3:15 PM  
**To:** Rousselin, Jorge  
**Cc:** WANG ExComm  
**Subject:** Postponement request - C14-2007-0084 Elm Terrace  
**Attachments:** 2537711608-Elm Terrace Postponement ltr final.pdf

Mr Rousselin

Please see the attached postponement request letter.

If you would reply via email this afternoon to confirm that you have received this, I would greatly appreciate it.

It would also be helpful if you could give us some idea as to when we would be advised as to whether or not the postponement had been granted, as well as confirmation as to the rescheduled date.

Thank you for your assistance!

Regards,

Gwen Jewiss  
President  
WANG

---

Got a little couch potato?  
Check out fun summer activities for kids.

10/4/2007



## WEST AUSTIN NEIGHBORHOOD GROUP

West Austin Neighborhood Group

P.O. Box 5722 • Austin, Texas 78763-5722

Organized 1973

*"To preserve our  
neighborhood  
and protect it from  
deterioration."*

September 21, 2007

**RECEIVED**

**SEP 24 2007**

**Neighborhood Planning & Zoning**

**OFFICERS**

Gwen Jewiss  
President

August Harris III  
President Elect

Erik Cary  
Past President

Christopher Alguire  
Secretary

Michael Falk  
Treasurer

Mr. Jorge Rousselin  
City of Austin  
505 Barton Springs Road  
Suite 500  
Austin, TX 78704

Re: C14-2007-0084  
Owner: Austin Elm Terrace (Steve Beuerlein) 472-3020  
Agent: Alice Glasco consulting (Alice Glasco) 231-8110  
Location: 3215 Exposition Boulevard  
Proposed Zoning Change:  
From: Unzoned

**BOARD MEMBERS**

Mary Arnold  
Joyce Basciano  
Joseph Bennett  
Michael Cannatti  
George Edwards  
Anne Keene  
Susan Pascoe  
Ken Pfluger  
Blake Tollett

Mr. Jorge Rousselin:

On behalf of the neighbors of the proposed Austin Elm Terrace project, as well as the West Austin Neighborhood Group, I am writing to request a postponement of City Council's hearing of the C14-2007-0084 Austin Elm Terrace case from the scheduled date of September 27, 2007 to December 13, 2007 for the reasons outlined herein.

As you are likely already aware, the tract in question is slightly larger than two acres. The tract was auctioned off by the State of Texas earlier this year. At one time, the property had been the Austin State School Assistant Superintendent's residence. Like the remainder of the Austin State School property, it was unzoned. This parcel is on the east side of Exposition Blvd, south of 35<sup>th</sup> Street in Tarrytown, just a short distance north of Casis Elementary School. The surrounding properties are single family residences, Westminster Presbyterian Church and the remainder of the State School property. The overwhelming majority of the privately held land is currently zoned SF-3.

**HONORARY COMMITTEE  
MEMBERS**

Sinclair Black  
Hon. Will Wynn

As noted in the presentations to the Planning Commission, the developer's team has had an ongoing dialog with the West Austin Neighborhood Group (WANG). At all times, they have maintained the MF-1 zoning request with no consideration of any compromise for discussion. WANG has also been working with many concerned neighbors who have expressed their desire to see the property zoned SF-3. Going into the Planning Commission meeting, City Staff recommended SF-6. After lengthily testimony from both sides, the split recommendation from Planning Commission was for MF-1.

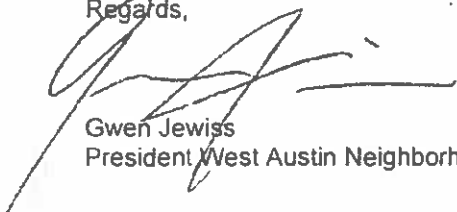
Parallel to this issue, in November 2006, City Council authorized the Central West Austin Neighborhood Planning Area, including Tarrytown, Bryker Woods and Pemberton. We are now in the Neighborhood Planning process. Due to some delays in staffing availability, our Kick-Off Meeting was delayed to June 21, 2007. Subsequently, we have been meeting bi-weekly in workshops, visioning and goal setting to develop our Neighborhood Plan. It is a tremendous undertaking. The commitment shown by a significant number of our residents has been remarkable.

The decision by the Planning Commission has prodded the neighbors to recognize that there may be room for transition from the SF-3 position originally being held. WANG is continuing to work with the neighbors, and is in dialogue with the developer's team to reach a potential agreement of zoning somewhere between the SF-3 and MF-1 positions. The additional time will allow us to get a bit deeper into the Neighborhood Planning process so that we as a neighborhood might have more insights into the "long distance" vision in order to develop a more holistic overlay for the State School property as a whole if and or when part or all of it is redeveloped.

Lastly, all of the persons who would need to attend the City Council presentation have been actively involved with the Neighborhood Planning process, attending all of the meetings. An important phase of the neighborhood planning process will occur at the same time that the Elm Terrace hearing is held. We cannot be in both places at once and both are critical for the long term planning of Central West Austin.

We respectfully request that we be granted this postponement until December 13, 2007 so that the parties involved can work through the issues noted above.

Regards,

A handwritten signature in black ink, appearing to read 'Gwen Jewiss', written over a horizontal line.

Gwen Jewiss  
President West Austin Neighborhood Group

Cc: WANG ExComm

## PUBLIC HEARING INFORMATION

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Case Number: C14-2007-0084

Contact: Jorge Rousselin, (512) 974-2975

Public Hearing:

September 27, 2007 City Council

RICHARD GA. HARDIN

Your Name (please print)

3111 W. 35TH ST.

Your address(es) affected by this application

Signature

Date

Comments:

THIS IS TRULY NEEDED RESPONSIBLY  
COMPETITIVE HOUSING  
POSSIBLY.

☒ I am in favor  
☐ I object

If you use this form to comment, it may be returned to:  
 City of Austin  
 Neighborhood Planning and Zoning Department  
 Jorge Rousselin  
 P. O. Box 1088  
 Austin, TX 78767-8810

**Rousselin, Jorge**

**From:** Sara Marler [REDACTED]  
**Sent:** Tuesday, August 28, 2007 10:55 AM  
**To:** sully.jumpnet@sbcglobal.net; amdealey@aol.com; saundra\_kirk@sbcglobal.net; jay\_reddy@dell.com; tracy.atkins@gmail.com; paulahui16@yahoo.com; pcavazos\_planning@yahoo.com; cidg@galindogroup.com  
**Cc:** Rousselin, Jorge  
**Subject:** c14-2007-0084-Elm Terrace, Item #4 on agenda

Dear Planning Council:

We live on Mountain Laurel Drive with our two young children. We agree with our neighbors Dealey and David Herndon and Vivian and Russell Wilson regarding the change of zoning proposed by Austin Elm Terrace. We DO NOT WANT Multi Family zoning to take over a lot which had one single family home on it. We DO NOT WANT SF 6 zoning on a lot which had one home on it. Our concerns are the same as the Wilson's and Herndon's:

1. An unbroken stretch of SF3 zoning all along Exposition should be honored. SF3 is the best zoning for our neighborhood. It allows greater density than the single family of most of our homes, but does not leave us open to off grade parking, greater height, a great deal of paving for drives and parking, and the general look of an apartment or dense condo development.
2. WANG previously opposed a request by Westminster Presbyterian Church to change the zoning to SF6 and this property is directly across the street from the Church.
3. We DO NOT WANT to set a precedent for other high density development to move onto Exposition. Higher density should be located closer to the MoPac corridor with access from the north, West 35<sup>th</sup> street, and the east at MoPac.
4. Traffic on Exposition is already dense not only during rush hour but throughout the day. Casis Elementary at Northwood and Exposition currently has 780 students enrolled and traffic is already backed up and down Exposition during the morning and early afternoon hours during drop off and pick up. Those of us on Mountain Laurel Drive, Mountain Laurel Lane and Tarry Trail, have no means to exit our neighborhood than be getting on Exposition. The Herman Brown subdivision centralized to the west of Exposition also has limited exits from the neighborhood with the main one from Northwood Road. There are hills and curves which limit visibility considerably and it is already a dangerous traffic situation.

In conclusion, please DO NOT support the request by Austin Elm Terrace and Alice Glasco for MF-1 on the Exposition corridor tonight.

Thank you for your consideration,  
 John and Sara Hatfield Marler

[REDACTED]  
 512.452.4814

10/4/2007

**Rousselin, Jorge**

---

**From:** Jason Reese [REDACTED]  
**Sent:** Tuesday, August 28, 2007 6:00 AM  
**To:** Rousselin, Jorge  
**Subject:** Elm Terrace at 3215 Exposition Blvd.

Jorge,

My name is Jason Reese and I live in Tarrytown at 2405 W. 9th St., Austin, TX. I support this project and would like to see the zoning the developer is asking for approved. We are excited to see positive development in the area.

Thanks,

Jason Reese  
Account Executive, S. TX, LA  
Brocade Corporation  
[www.brocade.com](http://www.brocade.com)  
[jreese@brocade.com](mailto:jreese@brocade.com)  
mobile: 512-968-4005

10/4/2007

## Rousselin, Jorge

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**From:** [REDACTED]  
**Sent:** Monday, August 27, 2007 6:49 AM  
**To:** jorge.rousselin@ci.austin  
**Subject:** Support for C14-2007-0084 Elm Terrace

Dear Jorge,

I am a neighbor in the Tarrytown area (3212 Bridle Path) who wishes to express my support for the above referenced zoning case for the following reasons:

First, the strongest and most desirable communities across the country (examples: Buckhead in Atlanta, Highland Park in Dallas, La Jolla or Del Mar in San Diego) all have a broad range of housing. Our housing needs change over time. In my own case, my wife and I will be empty nesters in 8 years. There is a good possibility that we will consider downsizing our home to reduce our maintenance and tax burdens. Yet, we love our neighborhood and consider it of great importance that we remain in our neighborhood. This type of product would fit empty nesters well and give them the opportunity to remain in our neighborhood.

Second, with house prices so expensive, this type of product provides a high quality, well maintained (through a homeowners' association) addition into our community -- at prices that will be attractive within our community. Keeping folks in the core of our city is vital to our city's long term economic health.

Please feel free to contact me if you have any questions or comments.  
tmitchell@austin.rr.com or 512.924-8066.

Thank you.

Terry Mitchell  
3212 Bridle Path  
Austin, Texas 78703

**Rousselin, Jorge**

**From:** [REDACTED]  
**Sent:** Friday, August 24, 2007 4:39 PM  
**To:** sully.jumpnet@sbcglobal.net; amdealey@aol.com; saundra\_kirk@sbcglobal.net; jay\_reddy@dell.com; tracy.atkins@gmail.com; pcavazos\_planning@yahoo.com; paulahui16@yahoo.com  
**Cc:** Rousselin, Jorge  
**Subject:** 3215 Exposition - zoning case C14-2007-0084-Elm Terrace, PC item #4 Aug 28th

My wife, Dealey, and I live at 2903 Tarry Trail, the back of which abuts Exposition.

We ask you to deny MF 1, which the developer wants, and deny SF 6, which staff is recommending. The proper zoning should be SF 3.

Under SF 6 the project could have up to 26 condominium units, no real difference from what it could do under MF 1. The surrounding area is either SF 3 or the State School. When it, like this tract, is developed having a dense SF 6 condo on this tract would be strong precedent for the rest of the State School frontage on Exposition to be SF 6. Estimating the amount of that frontage, there could be between 80 and 100 condos along Exposition on the State School property. That is way too much. When the State School property is developed, the area close to Exposition should be SF 3 with the rear of the houses, and no driveways, on Exposition. The street in front of those houses would connect to 35th St. There are some townhouses on 35th St. where Exposition dead ends into it, but they appear to have about 6 units per acre, not the 12.44 allowed in SF 6. And, they are on 35th, not Exposition.

Thank you for your consideration of our position.

=====

TO COMPLY WITH IRS RULES, WE MUST INFORM YOU THAT ANY TAX ADVICE CONTAINED IN THIS MESSAGE (INCLUDING ANY ATTACHMENTS) WAS NOT INTENDED OR WRITTEN TO BE USED, AND CANNOT BE USED, FOR THE PURPOSE OF AVOIDING PENALTIES UNDER FEDERAL TAX LAW, OR TO PROMOTE, MARKET OR RECOMMEND TO ANOTHER PARTY ANY TRANSACTION OR MATTER ADDRESSED HEREIN. PLEASE CONTACT US IF YOU HAVE ANY QUESTIONS REGARDING THESE RULES.

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Graves, Dougherty, Hearon & Moody  
 A Professional Corporation  
 401 Congress Avenue, Suite 2200  
 Austin, Texas 78701  
 Phone: (512) 480-5600

10/4/2007



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Case Number: C14-2007-0084

Contact: Jorge Rousselin, (512) 974-2975

Public Hearing: ~~July 24, 2007~~ postponed by WANG to 8-28-07

Planning Commission

Christopher Bell

Your Name (please print)

3411 South Hill Circle

Your address(es) affected by this application

C. Bell

Signature

Date

8/13/07

Comments:

I support the proposed zoning change as the subject property is appropriate for denser, MF-1 development. I use Expasiba Blvd everyday, & my children attend Conn Elementary School, so I am very familiar with the area, & know that Expasiba can easily handle these wants. This is the kind of M-Fill development we need to be encouraging to combat further sprawl. Thank you.

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Jorge Rousselin

P. O. Box 1088

Austin, TX 78767-8810

☒ I am in favor  
☐ I object

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Case Number: C14-2007-0084

Contact: Jorge Rousselin, (512) 974-2975

Public Hearing:

September 27, 2007 City Council

☒ I am in favor  
☐ I object

Your Name (please print)

Ava Stanton

Your address(es) affected by this application

330 TAYLORS DRIVE  
Cedar Park, TX 78613

Signature

Date

Comments:

great project  
appropriate density  
for the area

RECEIVED

SEP 26 2007

Neighborhood Planning & Zoning

If you use this form to comment, it may be returned to:

City of Austin  
Neighborhood Planning and Zoning Department  
Jorge Rousselin  
P. O. Box 1088  
Austin, TX 78767-8810

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Case Number: C14-2007-0084

Contact: Jorge Rousselin, (512) 974-2975

Public Hearing:

September 27, 2007 City Council

☒ I am in favor  
☐ I object

Your Name (please print)

Biske Magee

1400 Elton Lane, 78703

Your address(es) affected by this application

9/24/07

Signature

Date

Comments:

Very appropriate project

+ Density for Location +

Neighborhood

RECEIVED

SEP 24 2007

Neighborhood Planning & Zoning

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Jorge Rousselin

P. O. Box 1088

Austin, TX 78767-8810

RECEIVED

SEP 24 2007

Neighborhood Planning & Zoning

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Case Number: C14-2007-0084  
Contact: Jorge Roussellin, (512) 974-2975  
Public Hearing:  
September 27, 2007 City Council

Your Name (please print) RICHARD G. HARDIN  
☒ I am in favor  
☐ I object

Your address(es) affected by this application  
311 W. 35TH ST.

Signature \_\_\_\_\_ Date \_\_\_\_\_

Comments:

THIS TRAPLY NEEDED RESPONSIBILITY  
COMPATIBLE HOUSING  
PENALTY.

If you use this form to comment, it may be returned to:

City of Austin  
Neighborhood Planning and Zoning Department  
Jorge Roussellin  
P. O. Box 1088  
Austin, TX 78767-8810

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OCT 05 2007

Case Number: C14-2007-0084

Contact: Jorge Rousselin, (512) 974-2975

Neighborhood Planning & Zoning

Public Hearing:

September 27, 2007 City Council

C. Armitage Harper

Your Name (please print)

4202 Waters Edge Cove Austin, TX 78734

Your address(es) affected by this application

10/3/07

Signature

I am in favor of multi

Comments:

family housing as I believe it would favorably benefit the neighborhood. There are very few affordable housing options for baby boomers who do not want to leave a large carbon footprint when they retire. This project would provide a mechanism to help resolve this issue.

If you use this form to comment, it may be returned to:

City of Austin

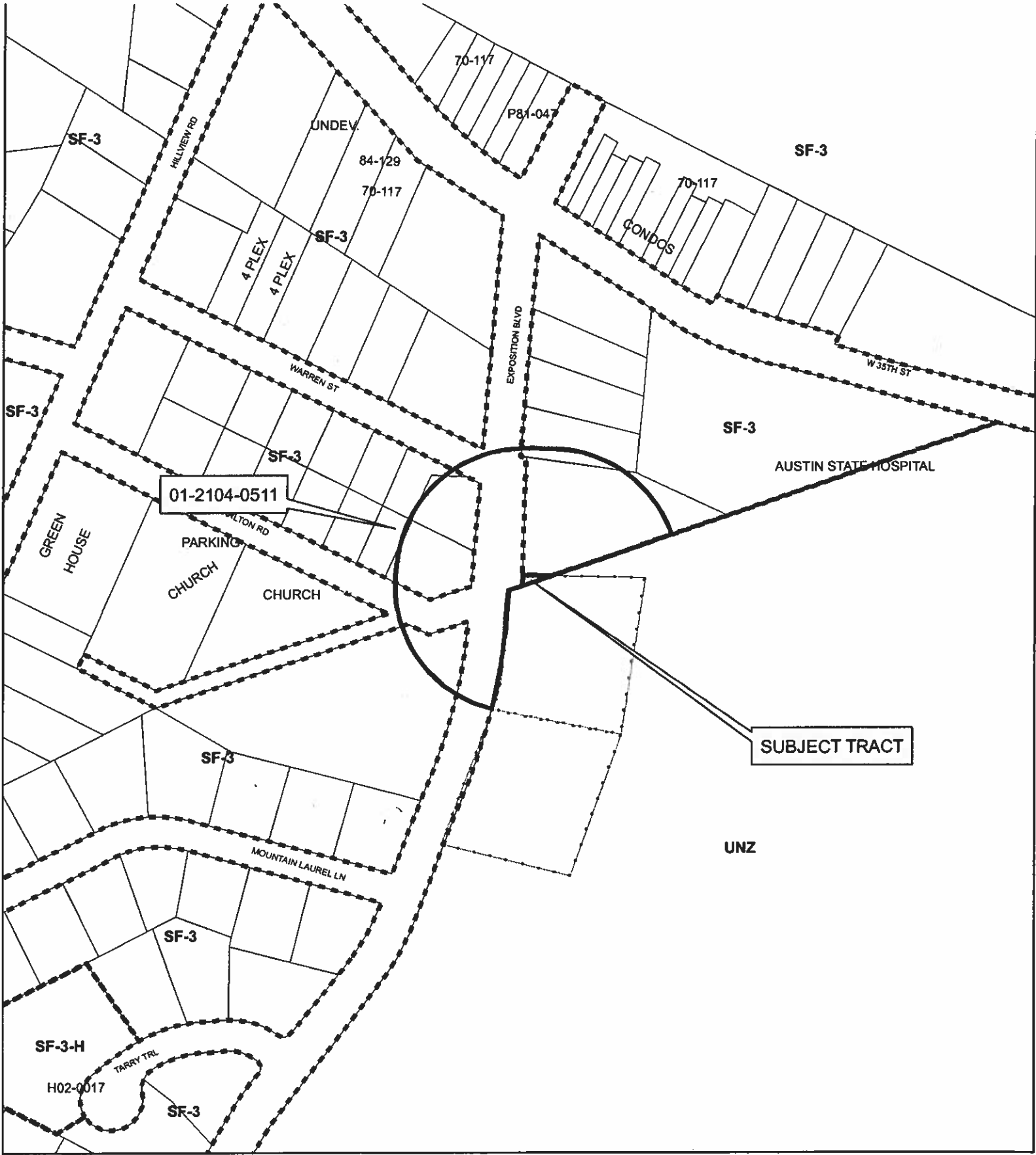
Neighborhood Planning and Zoning Department






Jorge Rousselin

P. O. Box 1088

Austin, TX 78767-8810






**N**  
 **Subject Tract**  
 **Property Owner**  
 **Buffer**  
 **Zoning Boundary**

1" = 200'    OPERATOR: SM

**PETITION**

CASE#: C14-2007-0084  
 ADDRESS: 3215 EXPOSITION BLVD  
 GRID: H25-26  
 CASE MANAGER: J. ROUSSELIN

This map has been produced by G.I.S. Services for the sole purpose of geographic reference.  
 No warranty is made by the City of Austin regarding specific accuracy or completeness.



# PETITION

Case Number:

**C14-2007-0084**

Date:

Oct. 11, 2007

Total Area within 200' of subject tract: (sq. ft.)

93,692.88

1	01-2104-0511	SCHUELKE CARL BROOKS & HEATHER	63.04	0.07%
2				0.00%
3				0.00%
4				0.00%
5				0.00%
6				0.00%
7				0.00%
8				0.00%
9				0.00%
10				0.00%
11				0.00%
12				0.00%
13				0.00%
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16				0.00%
17				0.00%
18				0.00%
19				0.00%
20				0.00%
21				0.00%
22				0.00%
23				0.00%
24				0.00%
25				0.00%

Validated By:

Stacy Meeks

Total Area of Petitioner:

63.04

Total %

0.07%

**Rousselin, Jorge**

**From:** Blake Tollett [blake.tollett@earthlink.net]  
**Sent:** Wednesday, October 17, 2007 2:29 PM  
**To:** Rousselin, Jorge  
**Subject:** C14-2007-0084; 3215 Exposition

Jorge:

Again, please place this in this letter from Bryker Woods Neighborhood Association in the file.

Thank you.

Blake

Begin forwarded message:

**J Basciano <JBASCIANO@austin.rr.com> wrote:**

Dear Mayor Wynn and Council members,

On behalf of the Bryker Woods Neighborhood Association (BWNA), I am writing to request your support for the West Austin Neighborhood Group (WANG) and the neighbors in their opposition to rezoning the property at 3215 Exposition Blvd to MF-1 (Multiple Family). BWNA, WANG and the Pemberton Heights Neighborhood Association (PHNA) are combined in the Central West Austin Neighborhood Planning Area which recently began the official City of Austin Neighborhood Planning process.

BWNA agrees with WANG and the neighbors (representing over 700 petition signatures in opposition to the MF-1 zoning request) that (1) the proposed MF-1 zoning is too dense for the single family character of the neighborhood, (2) the proposed "spot zoning" conflicts with the City's Land Use Policy, (3) the proposed MF-1 zoning will set a potentially dangerous precedent to the neighborhood for the subsequent development of the Austin State School tract, and (4) the proposed MF-1 zoning will undermine the neighborhood's effort to implement a comprehensive zoning approach through the neighborhood planning process. There are significant environment, traffic and infrastructure concerns raised by the proposed MF-1 zoning without the offsetting benefit of providing affordable housing.

In addition, BWNA agrees with WANG and the neighbors that the property should be zoned as SF (Single Family) with a density limit that will provide an appropriate buffer for and transition to any more intense zoning in the interior of the Austin State School tract (should the school be relocated in the future). This density limit will establish an appropriate precedent along Exposition Blvd. while providing a transition zone which will increase the density above that of the existing single family residential neighborhood.

Thank you.

Sincerely yours,

Joyce Basciano, Zoning Chair  
 Bryker Woods Neighborhood Association

---

Do You Yahoo!?  
 Tired of spam? Yahoo! Mail has the best spam protection around  
<http://mail.yahoo.com>

10/17/2007



**Rousselin, Jorge**


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**From:** Blake Tollett [blake.tollett@earthlink.net]  
**Sent:** Wednesday, October 17, 2007 2:14 PM  
**To:** Rousselin, Jorge  
**Subject:** Request for ANC Support to Oppose MF1 Zoning on Exposition

Jorge:

Please see that this ANC endorsement opposing the MF-1 zoning request at 3215 Exposition gets in the file.

Thank you.

Blake Tollett-West Austin Neighborhood Group

Begin forwarded message:

**From:** Laura Morrison [mailto:lmorrison@prodigy.net]  
**Sent:** Wednesday, October 17, 2007 10:34 AM  
**To:** Michael R. Cannatti  
**Cc:** spascoe@grandecom.net; eac@austin.rr.com; edward.tasch@emersonprocess.com; mcmediate@msn.com; wang@deepeddy.com; ANCExec@yahoo.com  
**Subject:** RE: Request for ANC Support to Oppose Unplanned, Precedent-Setting MF1 Zoning on Exposition

Mike,

We have received a majority vote from the anc ex com so please show ANC in support of WANG's position on this case. Joyce let us know that you position below as modified as follows.

"In addition, WANG agrees with the neighbors that the property should be zoned as SF with a density limit so as to provide an appropriate buffer for and transition to *any* more intense zoning within the interior of the AustinState School tract *that may in the future be considered should the state services now located at the Austin State School site be relocated to another location in Austin.* This density limit will establish an appropriate precedent along Exposition Boulevard and will serve as a viable transition while at the same time increasing the density above that of the existing moderate density single family residential neighborhood."

Laura

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**From:** Michael R. Cannatti [mailto:mcannatti@hamiltonterre.com]  
**Sent:** Tuesday, October 16, 2007 10:22 AM  
**To:** LCMorrison@prodigy.net  
**Cc:** spascoe@grandecom.net; eac@austin.rr.com; edward.tasch@emersonprocess.com; mcmediate@msn.com; wang@deepeddy.com  
**Subject:** FW: Request for ANC Support to Oppose Unplanned, Precedent-Setting MF1 Zoning on Exposition

10/17/2007

Good morning Laura,

On behalf of the West Austin Neighborhood Group (WANG), I'm writing to request that the Austin Neighborhoods Council support WANG in opposing the request to rezone the property at 3215 Exposition Blvd to MF-1. For the reasons set forth in the attached letter, WANG is supporting the neighbors' opposition, which to date has been documented by **over 700 petition signatures in opposition to the MF-1 zoning request**. It is my understanding that the Bryker Woods Neighborhood Association and the Pemberton Heights Neighborhood Association are also supporting this request.

The neighborhood is opposing this multi-family zoning request because (1) the proposed MF-1 zoning is too dense for the single-family character of the neighborhood, (2) the proposed "spot zoning" conflicts with the City's Land Use Policy, (3) the proposed MF-1 zoning will set a potentially dangerous precedent to the neighborhood for subsequent development of the Austin State School tract, and (4) the proposed MF-1 zoning will undermine the neighborhood's effort to implement a comprehensive zoning approach through the neighborhood planning process. There are also significant environment, traffic and infrastructure concerns raised by the proposed MF-1 zoning, without any offsetting benefit of providing affordable housing through the Smart Housing program.

In addition, WANG agrees with the neighbors that the property should be zoned as SF with a density limit so as to provide an appropriate buffer for and transition to what likely will be more intense zoning within the interior of the Austin State School tract in the future. This density limit will establish an appropriate precedent along Exposition Boulevard and will serve as a viable transition while at the same time increasing the density above that of the existing moderate density single family residential neighborhood.

As you may know, this matter is scheduled for this Thursday's City Council meeting. I know that we are not giving you much time to respond, but if you are able expedite a response by email or otherwise, it would be *greatly* appreciated. Of course, if you have any questions, please let me know.

10/17/2007

TEXAS



GENERAL LAND OFFICE

JERRY PATTERSON, COMMISSIONER

October 16, 2007

**RECEIVED**

**OCT 17 2007**

**Neighborhood Planning & Zoning**

The Honorable Will Wynn  
Mayor  
City of Austin  
PO Box 1088  
Austin, Texas 78767-1088

**RE: Zoning Change Request on Approximately 2.2 acres of land located at 3215  
Exposition Boulevard Out of the Daniel J. Gilbert Survey Number 8**

Dear Mayor Wynn:

The General Land Office (GLO) on behalf of the Texas Department of Aging and Disability Services sold the referenced property to BIAGINI, L. P. on May 25, 2007. Without commenting on the specific zoning request at hand, I would like to point out that the state still owns approximately 95 acres in the immediate area. I would respectfully request that any decision made on this small 2.2 acre tract be made with the understanding and thought that the decision could and more than likely would have an effect on any future utilization of the remaining property. It is always the responsibility of the GLO to maximize the value of State owned land, while being sensitive to the desires of both the City of Austin and the neighborhood.

Should you have further questions or concerns, please contact Hal Croft, Deputy Commissioner of Asset Management, at 463-5281.

Sincerely,

  
JERRY PATTERSON  
Commissioner, Texas General Land Office

cc: City Manager, Toby Futrell  
Mayor Pro Tem Betty Dunkerly  
Council Member Lee Leffingwell  
Council Member Brewster McCracken  
Council Member Mike Martinez  
Council Member Jennifer Kim  
Council Member Sheryl Cole

Stephen F. Austin Building • 1700 North Congress Avenue • Austin, Texas 78701-1495

Post Office Box 12873 • Austin, Texas 78711-2873

512-463-5001 • 800-998-4GLO

[www.glo.state.tx.us](http://www.glo.state.tx.us)

**RESTRICTIVE COVENANT**

OWNER: Austin Elm Terrace, LP, a Texas limited partnership

ADDRESS: 1802 West Avenue, Suite 100, Austin, Texas 78703

CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.

PROPERTY: Parcel 1: A 1.082 acre tract of land, more or less, out of the Daniel J. Gilbert Survey No. 8, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this covenant; and

Parcel 2: A 1.100 acre tract of land, more or less, out of the Daniel J. Gilbert Survey No. 8, the tract of land being more particularly described by metes and bounds in Exhibit "B" incorporated into this covenant.

WHEREAS, the Owner of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions;

NOW, THEREFORE, it is declared that the Owner of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant. These covenants and restrictions shall run with the land, and shall be binding on the Owner of the Property, its heirs, successors, and assigns.

1. The Owner shall design and construct sidewalks with street trees in compliance with the standards set forth in Subchapter E, Article 2, Section 2.2.3. (*Urban Roadways: Sidewalks and Building Placement*) of the City Code.
2. If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.
3. If any part of this agreement or covenant is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect.
4. If at any time the City of Austin fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.
5. This agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the \_\_\_\_\_ day of \_\_\_\_\_, 2008.

**OWNER:**

**Austin Elm Terrace, LP,  
a Texas limited partnership**

By: Exposition 3215, LLC,  
a Texas limited liability company,  
its General Partner

By: Burlington Ventures, Inc.,  
a Texas corporation,  
its sole Member

By: \_\_\_\_\_  
Steve D. Beuerlein,  
President

APPROVED AS TO FORM:

\_\_\_\_\_  
Assistant City Attorney  
City of Austin

**THE STATE OF TEXAS                   §**

**COUNTY OF TRAVIS                   §**

This instrument was acknowledged before me on this the \_\_\_\_\_ day of \_\_\_\_\_, 2008, by Steve D. Beuerlein, President of Burlington Ventures, Inc., a Texas corporation, sole member of Exposition 3215, LLC, a Texas limited liability company, general partner of Austin Elm Terrace, LP, a Texas limited partnership, on behalf of the corporation, limited liability company, and the limited partnership.

\_\_\_\_\_  
Notary Public, State of Texas

**FIELD NOTES DESCRIPTION**  
(PARCEL 1)

DESCRIPTION OF 1.082 ACRES (47,143 SQUARE FEET) OF LAND IN THE DANIEL J. GILBERT SURVEY NO. 8, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; BEING A PORTION OF THAT CERTAIN CALLED 96.92 ACRE TRACT DESCRIBED IN A DEED TO THE STATE OF TEXAS, DATED JULY 26, 1916, OF RECORD IN VOLUME 286, PAGE 330, DEED RECORDS OF TRAVIS COUNTY, TEXAS, AND ALSO BEING A PORTION OF LOT 5, SECOND RESUBDIVISION OF LOT 5 MAR-GLENN, A SUBDIVISION ACCORDING TO THE PLAT OF RECORD IN PLAT BOOK/VOLUME 29, PAGE 49, PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAID LOT 5, ACCORDING TO A SURVEY PLAT PREPARED BY HOMER BROWN, REGISTERED PUBLIC SURVEYOR NO. 386, DATED OCTOBER 1970, IS A PORTION OF THE PROPERTY CONVEYED FROM U. OF T. (PRESUMABLY THE UNIVERSITY OF TEXAS) TO T.D.M.H. & M.R. (TEXAS DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION) BY EXCHANGE DEED DATED JANUARY 26, 1970 (A SEARCH OF THE TRAVIS COUNTY DEED RECORDS FOR THE EXCHANGE DEED WAS UNSUCCESSFUL); SAID TRACTS OF LAND BEING PART OF THE AUSTIN STATE SCHOOL PROPERTY SITUATED ALONG EXPOSITION BOULEVARD AND SOUTH OF WEST 35<sup>TH</sup> STREET; SAID 1.082 ACRE TRACT, AS SHOWN ON LOOMIS AUSTIN, INC. PLAN NO. 3117, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**COMMENCING** at a calculated point in the east right-of-way line of said Exposition Boulevard for an angle point in the west line of said 96.92 acre State of Texas tract of land, from which a 3-inch brass cap stamped "AUSTIN STATE SCHOOL RM 22 ELEV 610.04" in concrete bears N 56° 06' 00" W a distance of 0.50 feet, said brass cap set as a reference monument to the tract corner by Homer Brown, Registered Public Surveyor No. 386, in his survey of the Austin State School property for the State of Texas as noted on his plat dated October 1970;

**THENCE** with the west line of said 96.92 acre tract, being the east right-of-way line of said Exposition Boulevard, the following four (4) courses and distances:

- 1) N 38° 10' 39" E a distance of 307.07 feet to a 3-inch brass cap stamped "AUSTIN STATE SCHOOL NO 23 ELEV 592.62" in concrete found for an angle point,
- 2) N 28° 11' 44" E a distance of 59.45 feet to a 3-inch brass cap stamped "AUSTIN STATE SCHOOL NO 24 ELEV 588.22" in concrete found for an angle point,
- 3) N 20° 49' 19" E, at a distance of 140.29 feet pass a mag nail with washer driven into a drilled hole in a concrete rip-rap set for the southwest corner of Parcel 2, a 1.100 acre portion of said 96.92 acre State of Texas tract also surveyed this date, continuing for a total distance of 366.39 feet to a 3-inch brass cap stamped "AUSTIN STATE SCHOOL NO. 25 ELEV 594.45" in concrete found at a point of curvature, and
- 4) with the arc of a curve to the left, having a radius of 270.00 feet, an arc distance of 1.30 feet and a chord bearing N 20° 40' 59" E a distance of 1.30 feet to a 3/4-inch iron pipe set into the ground with a 1/2-inch iron rod with plastic cap stamped "LAI" set inside the pipe, said iron pipe and iron rod set in a chain link fence running east-west approximately 2.3 feet east of a chain link fence corner post to mark the northwest corner of said Parcel 2 and being the southwest corner and **POINT OF BEGINNING** of the tract described herein; N 10,085,235.45-ft, E 3,107,633.45-ft

**THENCE** continuing with the west line of said 96.92 acre State of Texas tract, same being the east right-of-way line of said Exposition Boulevard and the west line of the tract described herein, the following two (2) courses and distances:

- 1) continuing with the arc of said curve to the left, having a radius of 270.00 feet, an arc distance of 75.89 feet and a chord bearing N 12° 29' 36" E a distance of 75.64 feet to 3/4-inch iron pipe set into the ground with a 1/2-inch iron rod with plastic cap stamped "LAI" set inside the pipe, said iron pipe and iron rod set to mark the end of said curve, and
- 2) N 04° 30' 49" E a distance of 114.83 feet to a 3/4-inch iron pipe set into the ground with a 1/2-inch iron rod with plastic cap stamped "LAI" set inside the pipe, said iron pipe and iron rod set to mark an angle point, same being the northwest corner of said 96.92 acre State of Texas tract;

**THENCE** N 70° 58' 28" E, continuing with the east right-of-way line of Exposition Boulevard, same being the north line of said 96.92 acre State of Texas tract, a distance of 21.68 feet to one-inch rounded bolt found (said bolt the type of marker often set by the City of Austin survey crews to mark right-of-way corners) driven into the ground for an angle point in said right-of-way line, same being the southwest corner of said Lot 5, Second Resubdivision of Lot 5 Mar-Glenn and an angle point in the west line of the tract described herein;

**THENCE** N 04° 47' 04" E, leaving the north line of said 96.92 acre State of Texas tract and continuing with the east right-of-way line of said Exposition Boulevard, same being the west line of said Lot 5 Second Resubdivision of Lot 5 Mar-Glenn, a distance of 16.74 feet to a 3/4-inch iron pipe set into the ground with a 1/2-inch iron rod with plastic cap stamped "LAI" set inside the pipe, said iron pipe and iron rod set under a chain link fence running north-south approximately 0.4-ft north of its intersection with another chain link fence running east-west to mark the most northern northwest corner of the tract described herein;

**THENCE** S 88° 47' 35" E, leaving said Exposition Boulevard right-of-way line, same being the west line of said Lot 5, at a distance of approximately 45 feet cross the south line of said Lot 5, same being the north line of said 96.92 acre State of Texas tract, continuing across said 96.92 acre tract for a total distance of 192.78 feet to a 3/4-inch iron pipe set into the ground with a 1/2-inch iron rod with plastic cap stamped "LAI" set inside the pipe, said iron pipe and iron rod set approximately 0.5-ft northeast of a metal chain link fence post to mark the northeast corner of the tract described herein; N 10,085,443.45-ft, E 3,107,873.46-ft

**THENCE** S 08° 45' 36" W, continuing across said 96.92 acre tract, a distance of 250.58 feet to a 3/4-inch iron pipe set into the ground with a 1/2-inch iron rod with plastic cap stamped "LAI" set inside the pipe, said iron pipe and iron rod set approximately 0.5-ft southeast of a metal chain link fence post to mark the southeast corner of the tract described herein, and being the northeast corner of said Parcel 2;  
N 10,085,195.81-ft, E 3,107,835.30-ft

**THENCE** N 78° 53' 25" W, continuing across said 96.92 acre tract, a distance of 205.72 feet to the **POINT OF BEGINNING** and containing 1.082 acres (47,143 square feet) of land, more or less.

1.082-ac. ~ 47,143 Sq. Ft.  
Daniel J. Gilbert Sur. No. 8  
Travis County, Texas

LAI Job No. 070423  
FN0432R2(wdo)  
Page 3 of 3

BEARING BASIS: Texas Coordinate System, Central Zone, NAD83. The coordinates shown hereon are grid; the distances are surface. To convert the distances to grid multiply by the project combined scale factor of 0.999929.

LAI WORD FILE: FN0432R2(wdo)

THE STATE OF TEXAS       §  
                                     §       KNOW ALL MEN BY THESE PRESENTS  
COUNTY OF TRAVIS       §

That I, John D. Barnard, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground during the month of April 2007 under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas on this 23rd of April, 2007 A.D.

Loomis Austin, Inc  
Austin, Texas 78746



John D. Barnard  
Registered Professional Land Surveyor No. 5749  
State of Texas



**EXHIBIT D**

**FIELD NOTES DESCRIPTION**  
**(PARCEL 2)**

DESCRIPTION OF 1.100 ACRES (47,896 SQUARE FEET) OF LAND IN THE DANIEL J. GILBERT SURVEY NO. 8, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; BEING A PORTION OF THAT CERTAIN CALLED 96.92 ACRE TRACT DESCRIBED IN A DEED TO THE STATE OF TEXAS, DATED JULY 26, 1916, OF RECORD IN VOLUME 286, PAGE 330, DEED RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF THE TRACTS MAKING UP THE AUSTIN STATE SCHOOL PROPERTY SITUATED ALONG EXPOSITION BOULEVARD AND SOUTH OF WEST 35<sup>TH</sup> STREET; SAID 1.100 ACRE TRACT, AS SHOWN ON LOOMIS AUSTIN, INC. PLAN NO. 3117, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**COMMENCING** at a calculated point in the east right-of-way line of said Exposition Boulevard for an angle point in the west line of said 96.92 acre State of Texas tract of land, from which a 3-inch brass cap stamped "AUSTIN STATE SCHOOL RM-22-ELEV 610.04" in concrete found bears N 56° 06' 00" W a distance of 0.50 feet, said brass cap set as a reference monument to the tract corner by Homer Brown, Registered Public Surveyor No. 386, in his survey of the Austin State School property for the State of Texas as noted on his plat dated October 1970;

**THENCE** with the west line of said 96.92 acre tract, being the east right-of-way line of said Exposition Boulevard, the following three (3) courses and distances:

- 0) N 38° 10' 39" E a distance of 307.07 feet to a 3-inch brass cap stamped "AUSTIN STATE SCHOOL NO 23 ELEV 592.62" in concrete found for an angle point,
- 0) N 28° 11' 44" E a distance of 59.45 feet to a 3-inch brass cap stamped "AUSTIN STATE SCHOOL NO 24 ELEV 588.22" in concrete found for an angle point, and
- 0) N 20° 49' 19" E, a distance of 140.29 feet to a mag nail with washer driven into a drilled hole in a concrete rip-rap set for the southwest corner and **POINT OF BEGINNING** of the tract described herein; N 10,085,022.92-ft, E 3,170,552.63-ft

**THENCE** N 20° 49' 19" E, continuing with the west line of said 96.92 acre tract, same being the east right-of-way line of said Exposition Boulevard, a distance of 226.10 feet to a 3-inch brass cap stamped "AUSTIN STATE SCHOOL NO. 25 ELEV 594.45" in concrete found at a point of curvature;

**THENCE** continuing with the west line of said 96.92 acre tract, same being the east right-of-way line of said Exposition Boulevard, being an arc of a curve to the left, having a radius of 270.00 feet, an arc distance of 1.30 feet and a chord bearing N 20° 40' 59" E a distance of 1.30 feet to a 3/4-inch iron pipe set into the ground with a 1/2-inch iron rod with plastic cap stamped "LAI" set inside the pipe, said iron pipe and iron rod set in a chain link fence running east-west approximately 2.3 feet east of a chain link fence corner post to mark the northwest corner of the tract described herein, same being the southwest corner of Parcel 1, a 1.082 acre tract of said 96.92 acre State of Texas tract also surveyed this date;  
N 10,085,235.45-ft, E 3,107,633.45-ft

**THENCE S 78° 53' 25" E**, leaving said Exposition Boulevard right-of-way line and crossing said 96.92 acre State of Texas tract, a distance of 205.72 feet to a 3/4-inch iron pipe set into the ground with a 1/2-inch iron rod with plastic cap stamped "LAI" set inside the pipe, said iron pipe and iron rod set approximately 0.5-ft southeast of a metal chain link fence post to mark the northeast corner of the tract described herein, and being the southeast corner of said Parcel 1; N 10,085,195.81-ft, E 3,107,835.30-ft

**THENCE S 19° 31' 08" W**, continuing across said 96.92 acre tract, a distance of 238.08 feet to a 3/4-inch iron pipe set into the ground with a 1/2-inch iron rod with plastic cap stamped "LAI" set inside the pipe, said iron pipe and iron rod set in a field to mark the southeast corner of the tract described herein; N 10,084,971.43-ft, E 3,107,755.76-ft

**THENCE N 75° 46' 34" W**, continuing across said 96.92 acre tract, a distance of 209.57 feet to the **POINT OF BEGINNING** and containing 1.100 acres (47,896 square feet) of land, more or less.

**BEARING BASIS:** Texas Coordinate System, Central Zone, NAD83. The coordinates shown hereon are grid; the distances are surface. To convert the distances to grid multiply by the project combined scale factor of 0.999929.

LAI WORD FILE: FN0433(wdo)

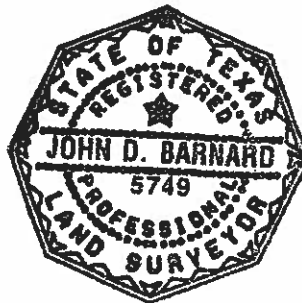
THE STATE OF TEXAS     §  
                                  §  
COUNTY OF TRAVIS     §


KNOW ALL MEN BY THESE PRESENTS

That I, John D. Barnard, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground during the month of April 2007 under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas on this 23<sup>rd</sup> of April, 2007 A.D.

Loomis Austin, Inc  
Austin, Texas 78746



  
John D. Barnard  
Registered Professional Land Surveyor No. 5749  
State of Texas

A circular diagram showing a detailed floor plan of a building complex. The plan includes several rooms labeled with names like "ASPHALT SOLIDIFIED DRIVE", "PUMP ROOM", "ELECTRIC CONTROL BUILDING", and "FUEL OIL STORAGE TANK". Dimensions are noted throughout the drawing.

[illegible]

1. FILE RECORDS  
2. FILE APPROPRIATELY LABEL ACROSS OF LAND BUILT CITY OF  
AND A PORTION OF THE DANIEL A. GILBERT TRACT IN  
THAT COUNTY, TEXAS, AND BEING A PORTION OF TWO CERTAIN  
TRACT CALLED BUREL ACRES MORE PARTICULARLY DESCRIBED OR  
VETED AND RECORDED IN THE OLD RECORDS IN VOLUME 284,  
PAGE 334 OF THE RECORDS OF "DAVIS COUNTY, TEXAS, AND ALSO  
RECORDED IN THE CITY OF SAN ANTONIO, TEXAS, IN LOT 4  
WHICH CITIES A SUBMISSION ACCORDING TO THE PLAN OF RECORDS  
4 VOLUME 28, PAGE 48, PLAN RECORD OF "DAVIS COUNTY, TEXAS,  
PAGE 4 AND PORTION OF A TRACT CALLED ALBIS ACRES MORE  
PARTICULARLY DESCRIBED IN LOT 18 AND 19 IN THE DEED  
RECORDED IN VOLUME 2790, PAGE 2314, CITY RECORD OF THAY  
COUNTY, TEXAS.

1942-3; APPROXIMATELY 1.11 ACRES OF LAND COME OUT OF  
THE PORTION OF THE PARCEL A. DEWEY SURVEY NO. 2, 1887  
COUNTY, TEXAS, AND FORM 1 PORTION OF THE COASTAL TRACT  
CALLED 34.82 ACRES MORE OR LESS DESCRIBED BY METES  
AND BOUNDS IN THE DEED RECORDED IN VOLUME 288 PAGE 338,  
DEED RECORD OF FAYES COUNTY, TEXAS.

RESTRICTIVE COVENANTS:  
ONLY 17 OF 17,000 COVENANTS AS SET IN PEOPLE'S NATIONAL  
F.I.L. ASSURANCE COMPANY COVENANTS OF 11-15-79 WERE  
EXCLUDED FOR THIS PURVEY. NO OTHER READING RESTRICTIVE  
COVENANT RESEARCH WAS PERFORMED BY LAMON & ALSTON, P.A.

WORK LISTED

TITLE CONTAINING SCHEDULE "B" MOVIES:  
ONLY THOSE CONTAINING LISTED IN THE COMPILED OF NO.  
17-18475 DATED MARCH 26, 2007, AND REPEATED BELOW WERE  
INFLUENTIAL ON THE SUBJECT. NO OTHER EXPLANATION BECAME  
RESEARCH AND PERFORMED BY JOHN AMERIN, DC.

E. DAKOTA STATE JAILMAN GRANT TO B.S. CITY OF AUSTIN,  
STOCKS & BOND CO. 4208, 4001 1164, 1718 BROWN OF TAYLOR  
COUNTY, TEXAS  
DOES NOT APPROX THE SUBJECT PROPERTY.

7. PARADE AND 7,300 TICKETS GRANTED TO THE CITY OF  
ALBANY RECORDED IN VOLUME 10112, PAGE 243 T&A, HIGHWAY &  
RECORDS OF TAMPA COUNTY, FLORIDA.  
DOES NOT EXIST IN PUBLIC PROPERTY OF TAMPA COUNTY

IT HAS BEEN DETERMINED THAT THE FOLLOWING INFORMATION IS OF INTEREST TO THE UNITED STATES GOVERNMENT AND IS BEING FURNISHED TO YOU FOR YOUR INFORMATION.

3. UNDESIRABLE LIST OF LISTS CONTAINING NAMES OF AREAS OF  
UNSAFE LOCATIONS

2. BRUSH OFF ASPHALT ALONG THE MEDIAN PROPERTY LINE  
0" TRACT 1

**DO NOT WRITE IN THESE SPACES**

[illegible]

... ..

TO: SAC, NEW YORK (100-15467) FROM: SAC, NEW YORK (100-15467) (P)  
SUBJECT: [REDACTED] (C)  
[REDACTED]

1. JOSE S. BARRERA, A REGISTERED PROFESSIONAL LAND SURVEYOR DO ESSELY CERTIFY THAT E-1T SLAVEY WAS MADE ON THE CORNER OF THE PROPERTY BOUND HEREIN JANUARY 1967, UNDER AN ORDER OF THE DISTRICT COURT THAT IT IS TRUE AND CORRECT TO BE

10/15/78, 10/16/78, 10/17/78, 10/18/78, 10/19/78, 10/20/78, 10/21/78, 10/22/78, 10/23/78, 10/24/78, 10/25/78, 10/26/78, 10/27/78, 10/28/78, 10/29/78, 10/30/78, 10/31/78, 11/1/78, 11/2/78, 11/3/78, 11/4/78, 11/5/78, 11/6/78, 11/7/78, 11/8/78, 11/9/78, 11/10/78, 11/11/78, 11/12/78, 11/13/78, 11/14/78, 11/15/78, 11/16/78, 11/17/78, 11/18/78, 11/19/78, 11/20/78, 11/21/78, 11/22/78, 11/23/78, 11/24/78, 11/25/78, 11/26/78, 11/27/78, 11/28/78, 11/29/78, 11/30/78, 12/1/78, 12/2/78, 12/3/78, 12/4/78, 12/5/78, 12/6/78, 12/7/78, 12/8/78, 12/9/78, 12/10/78, 12/11/78, 12/12/78, 12/13/78, 12/14/78, 12/15/78, 12/16/78, 12/17/78, 12/18/78, 12/19/78, 12/20/78, 12/21/78, 12/22/78, 12/23/78, 12/24/78, 12/25/78, 12/26/78, 12/27/78, 12/28/78, 12/29/78, 12/30/78, 12/31/78, 1/1/79, 1/2/79, 1/3/79, 1/4/79, 1/5/79, 1/6/79, 1/7/79, 1/8/79, 1/9/79, 1/10/79, 1/11/79, 1/12/79, 1/13/79, 1/14/79, 1/15/79, 1/16/79, 1/17/79, 1/18/79, 1/19/79, 1/20/79, 1/21/79, 1/22/79, 1/23/79, 1/24/79, 1/25/79, 1/26/79, 1/27/79, 1/28/79, 1/29/79, 1/30/79, 1/31/79, 2/1/79, 2/2/79, 2/3/79, 2/4/79, 2/5/79, 2/6/79, 2/7/79, 2/8/79, 2/9/79, 2/10/79, 2/11/79, 2/12/79, 2/13/79, 2/14/79, 2/15/79, 2/16/79, 2/17/79, 2/18/79, 2/19/79, 2/20/79, 2/21/79, 2/22/79, 2/23/79, 2/24/79, 2/25/79, 2/26/79, 2/27/79, 2/28/79, 2/29/79, 2/30/79, 3/1/79, 3/2/79, 3/3/79, 3/4/79, 3/5/79, 3/6/79, 3/7/79, 3/8/79, 3/9/79, 3/10/79, 3/11/79, 3/12/79, 3/13/79, 3/14/79, 3/15/79, 3/16/79, 3/17/79, 3/18/79, 3/19/79, 3/20/79, 3/21/79, 3/22/79, 3/23/79, 3/24/79, 3/25/79, 3/26/79, 3/27/79, 3/28/79, 3/29/79, 3/30/79, 3/31/79, 4/1/79, 4/2/79, 4/3/79, 4/4/79, 4/5/79, 4/6/79, 4/7/79, 4/8/79, 4/9/79, 4/10/79, 4/11/79, 4/12/79, 4/13/79, 4/14/79, 4/15/79, 4/16/79, 4/17/79, 4/18/79, 4/19/79, 4/20/79, 4/21/79, 4/22/79, 4/23/79, 4/24/79, 4/25/79, 4/26/79, 4/27/79, 4/28/79, 4/29/79, 4/30/79, 5/1/79, 5/2/79, 5/3/79, 5/4/79, 5/5/79, 5/6/79, 5/7/79, 5/8/79, 5/9/79, 5/10/79, 5/11/79, 5/12/79, 5/13/79, 5/14/79, 5/15/79, 5/16/79, 5/17/79, 5/18/79, 5/19/79, 5/20/79, 5/21/79, 5/22/79, 5/23/79, 5/24/79, 5/25/79, 5/26/79, 5/27/79, 5/28/79, 5/29/79, 5/30/79, 5/31/79, 6/1/79, 6/2/79, 6/3/79, 6/4/79, 6/5/79, 6/6/79, 6/7/79, 6/8/79, 6/9/79, 6/10/79, 6/11/79, 6/12/79, 6/13/79, 6/14/79, 6/15/79, 6/16/79, 6/17/79, 6/18/79, 6/19/79, 6/20/79, 6/21/79, 6/22/79, 6/23/79, 6/24/79, 6/25/79, 6/26/79, 6/27/79, 6/28/79, 6/29/79, 6/30/79, 7/1/79, 7/2/79, 7/3/79, 7/4/79, 7/5/79, 7/6/79, 7/7/79, 7/8/79, 7/9/79, 7/10/79, 7/11/79, 7/12/79, 7/13/79, 7/14/79, 7/15/79, 7/16/79, 7/17/79, 7/18/79, 7/19/79, 7/20/79, 7/21/79, 7/22/79, 7/23/79, 7/24/79, 7/25/79, 7/26/79, 7/27/79, 7/28/79, 7/29/79, 7/30/79, 7/31/79, 8/1/79, 8/2/79, 8/3/79, 8/4/79, 8/5/79, 8/6/79, 8/7/79, 8/8/79, 8/9/79, 8/10/79, 8/11/79, 8/12/79, 8/13/79, 8/14/79, 8/15/79, 8/16/79, 8/17/79, 8/18/79, 8/19/79, 8/20/79, 8/21/79, 8/22/79, 8/23/79, 8/24/79, 8/25/79, 8/26/79, 8/27/79, 8/28/79, 8/29/79, 8/30/79, 8/31/79, 9/1/79, 9/2/79, 9/3/79, 9/4/79, 9/5/79, 9/6/79, 9/7/79, 9/8/79, 9/9/79, 9/10/79, 9/11/79, 9/12/79, 9/13/79, 9/14/79, 9/15/79, 9/16/79, 9/17/79, 9/18/79, 9/19/79, 9/20/79, 9/21/79, 9/22/79, 9/23/79, 9/24/79, 9/25/79, 9/26/79, 9/27/79, 9/28/79, 9/29/79, 9/30/79, 10/1/79, 10/2/79, 10/3/79, 10/4/79, 10/5/79, 10/6/79, 10/7/79, 10/8/79, 10/9/79, 10/10/79, 10/11/79, 10/12/79, 10/13/79, 10/14/79, 10/15/79, 10/16/79, 10/17/79, 10/18/79, 10/19/79, 10/20/79, 10/21/79, 10/22/79, 10/23/79, 10/24/79, 10/25/79, 10/26/79, 10/27/79, 10/28/79, 10/29/79, 10/30/79, 10/31/79, 11/1/79, 11/2/79, 11/3/79, 11/4/79, 11/5/79, 11/6/79, 11/7/79, 11/8/79, 11/9/79, 11/10/79, 11/11/79, 11/12/79, 11/13/79, 11/14/79, 11/15/79, 11/16/79, 11/17/79, 11/18/79, 11/19/79, 11/20/79, 11/21/79, 11/22/79, 11/23/79, 11/24/79, 11/25/79, 11/26/79, 11/27/79, 11/28/79, 11/29/79, 11/30/79, 12/1/79, 12/2/79, 12/3/79, 12/4/79, 12/5/79, 12/6/79, 12/7/79, 12/8/79, 12/9/79, 12/10/79, 12/11/79, 12/12/79, 12/13/79, 12/14/79, 12/15/79, 12/16/79, 12/17/79, 12/18/79, 12/19/79, 12/20/79, 12/21/79, 12/22/79, 12/23/79, 12/24/79, 12/25/79, 12/26/79, 12/27/79, 12/28/79, 12/29/79, 12/30/79, 12/31/79, 1/1/80, 1/2/80, 1/3/80, 1/4/80, 1/5/80, 1/6/8

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2002年8月19日